

JUN 8 1971

SIFTING COMMITTEE

Sen. Transportation Pass 6/9 6/17

HOUSE FILE 734

By COMMITTEE ON TRANSPORTATION

Passed House, Date 6-9-71

Passed Senate, Date 1-25-72 (172)

Vote: Ayes 81 Nays 2

Vote: Ayes 27 Nays 19

Approved _____

Passed House as amended by Senate and
further amended by House

Motion to reconsider filed 1-25-72 (173), Lost 2-9-72

3-1-72

aye 78, nays 23

A BILL FOR

1 An Act relating to junkyards along interstate and federal aid
2 primary highways.

3 A. SHORT TITLE. This Act may be cited as "Iowa Junkyard
4 Beautification Act."

5 B. PURPOSES OF ACT. For the purpose of promoting the
6 public safety, health, welfare, convenience, and enjoyment
7 of public travel, to protect the public investment in public
8 highways and to preserve and enhance the scenic beauty of
9 lands bordering public highways, it is declared to be in the
10 public interest to regulate and restrict the establishment,
11 operation, and maintenance of junkyards in areas adjacent
12 to the interstate and primary systems within this state.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

14
15 Passed House a/w Conference
Committee Report (1416)

3-24-72

aye 75 nays 14

16
17 Passed Senate a/w Conference
Committee Report

3-23-72

aye 28 nays 21

18 Motion to reconsider filed 3/23 (1135)
19 Motion to message to House 3/24

prevailed 3/23 (1136)

20 Motion to reconsider w.d. (1151)

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1 Section 1. DEFINITIONS.

2 1. "Junk" means old or scrap copper, brass, rope, rags,
3 batteries, paper, trash, rubber debris, waste, or junked,
4 dismantled, or wrecked automobiles, or parts of automobiles,
5 or iron, steel, or other old or scrap ferrous or nonferrous
6 material.

7 2. "Junkyard" means an establishment or place of business
8 which is maintained, operated, or used for storing, keeping,
9 buying, or selling junk; and the term includes garbage dumps
10 and sanitary fills.

11 3. "Interstate highway" includes "interstate road" and
12 "interstate system" and means any highway of the primary
13 system at any time officially designated as a part of the
14 national system of interstate and defense highways by the
15 commission and approved by the appropriate authority of the
16 federal government.

17 4. "Primary highway" includes the federal aid primary
18 system and means that portion of connected main highways which
19 are currently or subsequently officially designated as primary
20 highways by the commission and approved by the appropriate
21 authority of the federal government.

22 5. "Commission" means the Iowa state highway commission.

23 Sec. 2. JUNKYARDS PROHIBITED--EXCEPTIONS. No person shall
24 establish, operate, or maintain a junkyard, any portion of
25 which is within one thousand feet of the nearest edge of the
26 right-of-way of any interstate or primary highway, except:

27 1. Those which are screened by natural objects, plantings,
28 fences, or other appropriate means rendering them invisible
29 from the main-traveled portion of the highway.

30 2. Those located within areas which are zoned for
31 industrial use under authority of law.

32 3. Those located within unzoned industrial areas which
33 areas shall be determined from actual land uses and defined
34 by regulations to be promulgated by the commission in
35 accordance with the standards, criteria, and rules and

1 regulations promulgated under authority of Title 23, United
2 States Code.

3 4. Those which are not visible from the main-traveled
4 portion of the highway.

5 Sec. 3. JUNKYARDS LAWFULLY IN EXISTENCE. Any junkyard
6 located outside a zoned or unzoned industrial area lawfully
7 in existence on the effective date of this Act which is within
8 one thousand feet of the nearest edge of the right-of-way
9 and visible from the main-traveled portion of any highway
10 on the interstate or primary system shall be screened, if
11 feasible, by the commission or the owner under rules and
12 direction of the commission, at locations on the highway
13 right-of-way or in areas acquired for such purposes outside
14 the right-of-way in order to obscure the junkyard from the
15 main-traveled way of such highways.

16 4. REQUIREMENTS AS TO SCREENING. The commission may adopt
17 rules and regulations governing the location, planting,
18 construction, and maintenance of screening or fencing required
19 by this Act including materials to be used. However, such
20 rules and regulations shall be in accordance with the
21 standards, criteria, rules, and regulations promulgated under
22 authority of Title 23, United States Code.

23 Sec. 5. ACQUISITION OF LAND FOR SCREENING OR REMOVAL.
24 When the commission determines that it is in the best interests
25 of the state, it may acquire by gift, purchase, exchange,
26 or condemnation, as provided by law, such property or rights
27 or interests in property as may be necessary to provide
28 adequate screening for junkyards. When the commission
29 determines that the topography of the land adjoining the
30 highway will not permit adequate screening, or screening would
31 not be economically feasible, the commission may acquire such
32 property or rights or interests in property as may be necessary
33 to secure the relocation, removal, or disposal of the junkyard,
34 and shall pay the cost of such relocation, removal, or
35 disposal, with or without federal participation. However,

1 no plan for relocation, removal, or disposal which qualifies
2 for federal participation shall be undertaken unless the
3 commission has received notification from the federal
4 government that the federal share to be paid is immediately
5 available for that purpose.

6 Sec. 6. NUISANCE--INJUNCTION. Any junkyard which does
7 not conform to the requirements of this Act, and which is
8 not excepted under sections two (2) or three (3) of this Act,
9 is a public nuisance. The commission may apply for an
10 injunction to abate any nuisance arising from a violation
11 of the provisions of this Act, or of rules and regulations
12 adopted pursuant to this Act.

13 Sec. 7. INTERPRETATION. Nothing in this Act shall be
14 construed to abrogate or affect the provisions of any lawful
15 ordinance, regulation, or resolution, which are more restric-
16 tive than the provisions of this Act.

17 Sec. 8. AGREEMENTS WITH THE UNITED STATES AUTHORIZED.
18 The commission may enter into agreements with the United
19 States secretary of transportation as provided by Title 23,
20 United States Code, relating to control of junkyards in areas
21 adjacent to the interstate and primary systems, and take
22 action in the name of the state to comply with the terms of
23 such agreements.

24 Sec. 9. Nothing in this Act shall be construed as
25 permitting the taking of private property or the restriction
26 of the reasonable and existing uses of such property without
27 just compensation and in accordance with the provisions of
28 chapter four hundred seventy-two (472) of the Code and Title
29 23, United States Code.

30 EXPLANATION

31 This bill is designed to avoid a reduction of federal aid
32 highway funds which would be equal to ten percent of the funds
33 otherwise apportioned to the state under Section 104 of Title
34 23, U.S.C., amounting to approximately six million dollars
35 per annum. The bill has an additional purpose of qualifying

1 the state for federal aid highway funds apportioned to the
2 state, by providing for effective control of junkyards along
3 the interstate and primary highway systems.

4 The bill conforms to the minimum standards required by
5 Section 136 of Title 23, U.S.C. and would have application
6 to all junkyards located within 1,000 feet of the highway
7 right-of-way and visible from the highway.

8 The bill will protect the investment of the public in the
9 interstate and primary highways of this state by eliminating
10 unsightly areas, thereby enhancing the safety and recreational
11 value of such highways to the traveling public. It will also
12 preserve and protect the natural scenic beauty of areas
13 adjacent to such highways.

14 The owner of any junkyard will be paid just compensation
15 for the relocation, removal, or disposal of his interest in
16 said property under the provisions of this bill, and the
17 federal share of such compensation, in most instances, will
18 be 75 percent.

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HOUSE FILE 734

1 Amend the Senate amendment to House File 734 as
2 follows:
3 1. By striking lines 247 through 251, inclusive.
4 2. By striking lines 281 through 447, inclusive,
5 and inserting in lieu thereof the following
6 new sections:
7 1. "Sec. _____. The commission shall control the
8 erection and maintenance of signs authorized by section
9 eleven (11) of this Act in accord with the following
10 criteria, except that in the case of bonus interstate
11 highways the commission shall maintain the controls
12 required under chapter three hundred six B (306B)
13 of the Code or the controls required by sections ten
14 (10) through twenty-two (22), inclusive, of this Act,
15 whichever controls are stricter. Signs shall not
16 be erected, maintained or illuminated:
17 1. In a manner to obscure or otherwise physically
18 interfere with an official traffic sign, signal, or
19 device, or to obstruct or physically interfere with
20 any driver's view of approaching, merging, or
21 intersecting traffic.
22 2. Unless effectively shielded to prevent light
23 from being directed at any portion of the traveled
24 highway with such intensity or brilliance as to cause
25 glare or to impair the vision of the driver of any
26 motor vehicle.
27 3. Which contain, include, or are illuminated
28 by any flashing, intermittent, or moving light or
29 lights, except those giving public service information
30 such as, but not limited to time, date, temperature,
31 weather, news and similar information.
32 4. Which imitate or resemble an official sign
33 or signal or device or which are erected or maintained
34 within or closer than three hundred feet from scenic
35 areas, as defined and determined by the commission,
36 or which are located or maintained upon trees, or
37 painted or drawn upon rocks or natural features, or
38 which are structurally unsafe or in substantial
39 disrepair.
40 5. Which exceed one thousand two hundred square
41 feet in area or in the case of a back-to-back or V-
42 type sign, with a maximum of two facings per sign,
43 seven hundred fifty square feet in area, including
44 border and trim but excluding base or apron, support,
45 and other structural members.
46 6. Which do not comply with all applicable state
47 or local laws, regulations and ordinances, including
48 but not limited to zoning, building, and sign codes
49 as locally interpreted and applied and enforced, or
50 which violate chapter three hundred nineteen (319)
51 of the Code; however, nothing in sections ten (10)

W.D.
3/1/72

52 through twenty-two (22), inclusive, of this Act shall
53 prevent or restrict county or local zoning authorities
54 from making a determination of customary use concerning
55 size, lighting, and spacing of signs in zoned
56 commercial or industrial adjacent areas, and such
57 determinations will be accepted in lieu of the
58 standards of sections ten (10) through twenty-two
59 (22), inclusive, of this Act. The provisions of
60 sections ten (10) through twenty-two (22), inclusive,
61 of this Act shall not prevent or restrict county or
62 local zoning authorities within their respective
63 jurisdictions from establishing standards imposing
64 controls stricter than those required by sections
65 ten (10) through twenty-two (22), inclusive, of this
66 Act."

W.D.
3/1/72
(887)

67 2. "Sec. ____ . Any sign lawfully in existence
68 in an adjacent area on the effective date of sections
69 ten (10) through twenty-two (22), inclusive, of this
70 Act, which does not conform with the provisions of
71 sections ten (10) through twenty-two (22), inclusive,
72 of this Act or any sign lawfully erected after the
73 effective date of sections ten (10) through twenty-
74 two (22), inclusive, of this Act which subsequently
75 becomes nonconforming, shall be required to be brought
76 into conformity or removed by the last day of the
77 tax year in which final depreciation is taken for
78 purposes of the owner's income tax returns, according
79 to allowable depreciation schedules."

Low
3/1/72
(887)

80 3. By renumbering the sections and subsections as
81 necessary.

Filed
February 29, 1972

By LIPSKY of Linn

HOUSE FILE 734

1 Amend the Senate amendment to House File 734, line
2 191, by inserting after the period the
3 following: Whenever business, industry, commerce or
4 outdoor advertising are permitted uses in predominant-
5 ly agricultural locally zoned areas, such areas are
6 deemed appropriate for business purposes and are
7 hereby zoned commercial to permit such uses to the
8 extent allowed by the local zoning authorities.

Filed - *W.D.* 3-1-72 (883)
February 29, 1972

By KELLY of Woodbury

HOUSE FILE 734

1 Amend Senate amendment to House File 734 as
2 follows:
3 1. Line 265 by striking the word
4 "may" and inserting in lieu thereof the word "shall".
5 2. Line 268, by inserting following
6 the word "system" the words "and freeway primary
7 highways".
8 3. By striking lines 456 through
9 485 inclusive and inserting in lieu thereof the
10 following:
11 Sec. 17. Within thirty days from the effective
12 date of this Act, the owner of every sign regulated
13 by the provisions of this Act, except signs excepted
14 by subsections one (1), two (2), four (4) and five
15 (5) of Section 11 of this Act, shall be required to
16 make application to the commission for a permit.
17 The application for a permit shall be on a form
18 provided by the commission and shall contain the
19 name and address of the owner of the sign and the
20 name and address of the owner of the real property
21 on which it is located; the date of its erection;
22 a description of its location; its dimensions; and
23 such other information required by the commission,
24 together with a permit fee as provided in this
25 section.
26 After the effective date of this Act, no new
27 sign for which an application for a permit is re-
28 quired may be erected without first obtaining a
29 permit from the commission, except in the case of
30 signs lawfully in existence in areas adjacent to any
31 highway made an interstate, freeway primary, or
32 primary highway after the effective date of this Act.
33 The owner shall be required to make application for
34 a permit as provided for in this section within
35 thirty days after the date the said highway
36 acquired said designation.
37 Upon receipt of an application containing all the
38 required information in due form and properly executed
39 together with the fee required, the commission shall
40 issue a permit to be affixed to the sign if the sign
41 will not violate any provision of Sections 10
42 through 22 inclusive, of this Act, or any rule or
43 regulation promulgated by the commission, provided
44 that in the case of signs to be acquired pursuant to
45 Section 14 of this Act a provisional permit shall
46 be issued.
47 The fee for both types of permits shall be five
48 dollars for the initial fee and for each annual

49 renewal. The fees collected for the above permits
50 shall be credited to a special account entitled
51 the "Highway Beautification Fund" and all salaries
52 and expenses incurred in administering this Act
53 shall be paid from this fund or from specific
54 appropriations for this purpose, except that
55 surveillance of, and removal of, signs performed
56 by regular maintenance personnel are not to be
57 charged against the account.

58 4. By striking all of line 490 after the
59 word "Act" and all of line 491 through the word "Code".

60 5. By striking all of lines 521 through
61 527 inclusive.

Filed - *Adopted 3-1-72 (888)*
February 29, 1972

By WELDEN of Hardin
UBAN Of Black Hawk
SCHROEDER of Pottawattamie
SCHWIEGER Of Black Hawk

HOUSE FILE 734

1 Amend the Senate amendment to House File 734 by
2 inserting after the comma in line 239 the following:
3 "or on the right-of-way of any primary highway,".

Filed - *Adopted 3-1-72 (884)*
February 29, 1972

By WELDEN of Hardin

HOUSE FILE 734

1 Amend the Senate amendment to House File 734 as
2 follows:
3 1. By adding the following new section after line 280:
4 "Sec. 12. An advertising device shall not be constructed
5 or reconstructed beyond the adjacent area in unincorporated
6 areas of the state if it is visible from the main-traveled way
7 of any interstate or primary highway except for advertising
8 devices permitted in section eleven (11), subsections one (1)
9 and two (2) of this Act. Any advertising device permitted
10 beyond an adjacent area in unincorporated areas of the state
11 shall be subject to the applicable permit provisions of
12 section seventeen (17) of this Act."
13 2. Lines 486 and 487, by striking the words "in an
14 adjacent area".
15 3. By renumbering sections and correcting internal
16 references in conformance to the provisions of this
17 amendment.

Filed - *Adopted 3-1-72 (885)*
February 29, 1972

By VARLEY of Adair
SCHWIEGER of Black Hawk

HOUSE FILE 734

- 1 Amend the Senate amendment to House File 734 as
2 follows:
3 1. Line 224 by striking the words ", freeway primary,"
4 and inserting in lieu thereof the word "highways".
5 2. Lines 240 and 242 by striking the words "Signs,
6 displays, and devices advertising" and inserting in lieu
7 thereof the words "Advertising devices concerning".
8 3. Line 247 by striking the words "Signs adjacent to
9 such highways" and inserting in lieu thereof the words
10 "Advertising devices within the adjacent area".
11 4. Line 252 by striking the words "Signs upon or along
12 such highways" and inserting in lieu thereof the words
13 "Advertising devices within the adjacent area".
14 5. Lines 254 and 255 by striking the words "signs and
15 notices" wherever they appear and inserting in lieu thereof
16 the words "advertising devices".
17 6. Line 264 by striking the words "Signs, displays, and"
18 and inserting in lieu thereof the word "Advertising".
19 7. Lines 282, 320, 336, 338, 340, 376, 387, 393,
20 395, 416, 420, and 453 by striking the word "signs" wherever
21 it appears and inserting in lieu thereof the words
22 "advertising devices".
23 8. Lines 289, 299, and 309 by striking the words
24 "Signs adjacent to" wherever they appear and inserting in
25 lieu thereof the words "Advertising devices located within
26 the adjacent area of".
27 9. Lines 153, 291, 298, 300, 302, 310, 312, 322,
28 326, 328, 364, 365, 398, 405, 410, 433, 456, 458, 462,
29 471, 486, 490, 495, 496, 501, 503, 510, 511, 512, 516,
30 518, and 545 by striking the word "sign" wherever it appears
31 and inserting in lieu thereof the words "advertising device".
32 10. Line 159 and 521 by striking the words "a sign"
33 wherever they appear and inserting in lieu thereof the words
34 "an advertising device".
35 11. Line 293 by striking the word "A sign" and
36 inserting in lieu thereof the words "An advertising device".
37 12. Line 330 by striking the words "signs and signs
38 advertising" and inserting in lieu thereof the words
39 "advertising devices and advertising devices concerning".
40 13. Line 423, 426, and 430 by striking the word
41 "Signs" wherever it appears and inserting in lieu thereof
42 the words "Advertising devices".
43 14. Lines 441 and 442, and 443 by striking the words
44 "sign, display, or" wherever they appear and inserting in
45 lieu thereof the word "advertising".
46 15. Line 445 by striking the words "a sign, display, or"
47 and inserting in lieu thereof the words "an advertising".
48 16. Line 446 by striking the words "signs, displays,
49 and" and inserting in lieu thereof the word "advertising".
50 17. Line 460 by striking the word "display" and
51 inserting in lieu thereof the words "advertising device".
52 18. Line 494 by adding before the word "device" the
53 word "advertising".

HOUSE CLIP SHEET
Thursday, February 24, 1972

HOUSE FILE 734

- 1 Amend the Senate Amendment to House File 734 as
2 follows:
3 1. Line 3, by inserting after the word "Billboard"
4 the word "Control".
5 2. Line 165, by striking the words "read or" and
6 inserting in lieu thereof the words "seen but not
7 necessarily".
8 3. Line 266, by inserting after the word "erected"
9 the words "by the commission".
10 4. Line 278, by striking the words "vehicle
11 service and repair" and inserting in lieu thereof the
12 words "gas and associated services which means the
13 business shall be in continuous operation sixteen
14 hours per day, seven days per week, with telephones
15 and restroom facilities, motor fuel, oil, and water,
16 including trade names."
17 5. By striking lines 279 and 280 and inserting in
18 lieu thereof the following:
19 "Commercial vendors using information signs
20 shall furnish and maintain informational panels to
21 the commission and the commercial vendor shall pay
22 an annual fee of twenty-five dollars for each informa-
23 tional panel to the commission for posting such
24 information panels. There is created in the office
25 of the treasurer of state a fund to be known as the
26 'highway beautification fund' and all funds received
27 for the posting of informational panels shall be
28 deposited in the 'highway beautification fund'.
29 6. Line 548, by inserting after the period the
30 words "All moneys received pursuant to the provisions
31 of this Act shall be deposited in the 'highway
32 beautification fund'."

} w.d. 3/1/72

Filed - *Adopted 3-1-72 (882-3)*
February 23, 1972

By HOLDEN of Scott
WAUGH of Monona
UBAN of Black Hawk
FREEMAN of Buena Vista
NYSTROM of Boone
SCHWIEGER of Black Hawk

HOUSE FILE 734

1 Amend the Senate Amendment to House File 734 as
2 follows:
3 1. Line 493, by striking the words "upon thirty"
4 and inserting in lieu thereof the words "in the
5 manner provided in section three hundred six B point
6 five (306B.5) of the Code."
7 2. By striking lines 494 through 5201 inclusive.
8 3. By striking lines 557 through 595, inclusive,
9 and inserting in lieu thereof the following:
10 306B.5 NUISANCE DECLARED. Any advertising device
11 erected adjacent to any interstate system after May
12 21, 1965, which violates the provisions of this
13 chapter or fails to comply with the rules and regula-
14 tions promulgated by the state highway commission is
15 a public nuisance. The state highway commission shall
16 give thirty days' notice, by certified mail, to the
17 owner of the device and to the owner of the land on
18 which said device is located to remove such advertis-
19 ing device if it is a prohibited device or cause it
20 to conform to rules and regulations if it is an
21 authorized device. If the landowner or owner of the
22 device fails to act within thirty days as required in
23 the notice, the state highway commission may file a
24 petition in the district court of the county where
25 such advertising device is located to abate the
26 nuisance. If the court finds that a violation exists
27 as alleged in the peition, the court shall enter an
28 order of abatement against the person or persons
29 erecting or maintaining such advertising device and
30 against the person or persons owning the land on
31 which such advertising device is located. If the
32 landowner or owner of the sign fails to act within
33 the time required in the order of abatement, the
34 state highway commission may give thirty days'
35 notice to the landowner or owner of the sign and at
36 the end of thirty days the commission may enter upon
37 the land and remove the sign. Such entry after
38 notice, shall not be deemed a trespass and the com-
39 mission may be aided by injunction to abate the
40 nuisance and to insure peaceful entry. The cost of
41 removal, including any fees and costs or expenses as
42 may arise out of any action brought by the commission
43 to insure peaceful entry and removal, shall be
44 assessed against the owner of the sign. Should the
45 owner of the sign fail to promptly pay such fees,
46 costs or expenses, the commission shall proceed to
47 advertise and sell the sign for purposes of collect-
48 ing the same. Any balance from the total receipts
49 of the sale after deducting the fees, costs and
50 expenses, including those of the sale, shall be paid

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3/1/72
(891)

House 19
February 23, 1972

51 to the owner of the sign; however, if in the opinion
52 of the commission, the proceeds of the sale will not
53 be sufficient to justify the expense involved, the
54 sign may be used, scrapped, dismantled, or otherwise
55 destroyed or disposed of by the commission as it sees
56 fit.

Filed - *Adopted 3-1-72 (891)* By HOLDEN of Scott
February 22, 1972 (*Expt 1 and 2*)

HOUSE FILE 734

1 Amend the Senate Amendment to House File 734 as
2 follows:
3 1. Line 243, by striking the word "Neither".
4 2. By striking lines 244, 245, and 246.
5 3. By inserting after line 447 the following new
6 subsection:
7 "The taking from the person who is advertising any
8 product or service and who has leased the sign,
9 display, or other advertising device."

Filed - *W.D. 3-1-72 (884)* By HOLDEN of Scott
February 22, 1972

1 Amend the Senate amendment to House File 734,
2 by striking all of lines 167 through 170, and by
3 inserting in lieu thereof the following:
4 "13. "Adjacent Area" means the area which is
5 contiguous to and visible from the right-of-way
6 of any interstate, freeway primary, or primary
7 Highway."

Filed - *W.D. 3-1-72 (885)* By UBAN of Black Hawk
February 25, 1972

1 Amend the Senate amendment to House File 734
2 by striking all of lines 242 through 246 and insert
3 in lieu thereof the following:
4 2. Signs, displays and devices advertising
5 activities conducted on the property on which they
6 are located. Such advertised activities shall not
7 be construed to mean activities which are merely
8 ancillary to the primary advertised activities;
9 neither shall the property upon which they are
10 located be construed to mean located upon any
11 contiguous area having inconsistent use, size, shape
12 or ownership.

Filed - *W.D. 3/1/72 (885)* By LARSON of Story
February 24, 1972 EGENES of Story
UBAN of Black Hawk

1 Amend the Senate amendment to House File 734
2 by striking from lines 168 and 169 the following
3 words "and within six hundred and sixty
4 feet of the nearest edge of".

Filed - *W.D.* 2/1/72 (885)
February 24, 1972

By UBAN of Black Hawk
LARSON of Story

1 Amend the Senate amendment to House File 734 as
2 follows:
3 1. By adding the following new section after line 280:
4 "Sec. 12. An advertising device shall not be constructed
5 or reconstructed beyond the adjacent area within visible
6 distance of the main-traveled way of interstate highways or
7 primary highways in unincorporated areas of the state of
8 Iowa except advertising devices as described in section
9 eleven (11), subsections one (1) and two (2), of this Act."
10 2. Lines 486 and 487, by striking the words "in an
11 adjacent area".
12 3. By renumbering sections and correcting internal
13 references in conformance to the provisions of this
14 amendment.

Filed - *W.D.* 2-1-72 (885)
February 28, 1972

By VARLEY of Adair

1 Amend the Senate amendment to House File 734, line
2 280, by inserting after the period the following:
3 "Information on gas and associated services may
4 include vehicle service and repair where the same is
5 available."

Offered from the floor and adopted
March 1, 1972

By JESSE of Polk
BRAY of Scott

SENATE AMENDMENT TO HOUSE FILE 734

- 1 Amend House File 734, as passed by the House, as follows:
2 1. Page 1, line 4, by inserting after the word "Beautification"
3 the words "and Billboard".
4 2. Page 1, line 11, by inserting after the word "junkyards" the
5 following: "and to control outdoor advertising".
6 3. By striking everything after the enacting clause and inserting
7 in lieu thereof the following:
8 Section 1. DEFINITIONS. For the purposes of sections
9 one (1) through nine (9), inclusive, of this Act, unless the
10 context otherwise requires:
11 1. "Junk" means old or scrap copper, brass, rope, rags,
12 batteries, paper, trash, rubber debris, waste, or junked,
13 dismantled, or wrecked automobiles, or parts of automobiles,
14 or iron, steel, or other old or scrap ferrous or nonferrous
15 material.
16 2. "Junkyard" means an establishment or place of business
17 which is maintained, operated, or used primarily for storing,
18 keeping, buying, or selling junk; and the term includes garbage
19 dumps, sanitary fills, and automobile graveyards.
20 3. "Interstate highway" includes "interstate road" and
21 "interstate system" and means any highway of the primary
22 system at any time officially designated as a part of the
23 national system of interstate and defense highways by the
24 commission and approved by the appropriate authority of the
25 federal government.
26 4. "Primary highway" includes the federal aid primary
27 system and means that portion of connected main highways which
28 are currently or subsequently officially designated as primary
29 highways by the commission and approved by the appropriate
30 authority of the federal government.
31 5. "Commission" means the state highway commission.
32 Sec. 2. JUNKYARDS PROHIBITED--EXCEPTIONS. A person
33 shall not establish, operate, or maintain a junkyard, any
34 portion of which is within one thousand feet of the nearest
35 edge of the right-of-way of any interstate or primary high-
36 way, except:
37 1. Those which are screened by natural objects, plant-
38 ings, fences, or other appropriate means obscuring them
39 from view from the main-traveled portion of the highway.
40 2. Those located within areas which are zoned for
41 industrial use under authority of law.
42 3. Those located within unzoned industrial areas which
43 areas shall be determined from actual land uses and defined
44 by regulations to be promulgated by the commission under the
45 provisions of chapter seventeen A (17A) of the Code in
46 accordance with the standards, criteria, and rules and
47 regulations promulgated under authority of Title twenty-
48 three (23), United States Code.
49 4. Those which are not visible from the main-traveled
50 portion of the highway.

51 Sec. 3. JUNKYARDS LAWFULLY IN EXISTENCE. Any junkyard
52 located outside a zoned or unzoned industrial area lawfully
53 in existence on the effective date of this Act which is
54 within one thousand feet of the nearest edge of the right-of
55 way and visible from the main-traveled portion of any highway
56 on the interstate or primary system shall be screened, if
57 feasible, by the commission or the owner under rules and
58 direction of the commission, at locations on the highway
59 right-of-way or in areas acquired for such purposes outside
60 the right-of-way in order to obscure the junkyard from the
61 main-traveled way of such highways.

62 Sec. 4. REQUIREMENTS AS TO SCREENING. The commission
63 may adopt rules and regulations pursuant to chapter seventeen A
64 (17A) of the Code governing the location, planting, con-
65 struction, and maintenance of screening or fencing required
66 by this Act including materials to be used. However, such
67 rules and regulations shall be in accordance with the standards,
68 criteria, rules, and regulations promulgated under authority
69 of Title twenty-three (23), United States Code.

70 Sec. 5. ACQUISITION OF LAND FOR SCREENING OR REMOVAL.
71 When the commission determines that it is in the best interests
72 of the state, it may acquire by gift, purchase, exchange,
73 or condemnation, as provided by law, such property or rights
74 or interests in property as may be necessary to provide
75 adequate screening for junkyards. When the commission determines
76 that the topography of the land adjoining the highway will
77 not permit adequate screening, or screening would not be
78 economically feasible, the commission may acquire such
79 property or rights or interests in property as may be
80 necessary to secure the relocation, removal, or disposal
81 of the junkyard, and shall pay the cost of such relocation,
82 removal, or disposal, with or without federal participation.
83 However, no plan for relocation, removal, or disposal which
84 qualified for federal participation shall be undertaken
85 unless the commission has received notification from the
86 federal government that the federal share to be paid is
87 immediately available for that purpose.

88 Sec. 6. NUISANCE--INJUNCTION. Any junkyard which
89 does not conform to the requirements of sections one (1)
90 through nine (9), inclusive, of this Act, and which is not
91 excepted under sections two (2) or three (3) of this Act,
92 is a public nuisance. The commission may apply for an
93 injunction to abate any nuisance arising from a violation
94 of the provisions of sections one (1) through nine (9),
95 inclusive, of this Act, or rules and regulations adopted
96 pursuant to sections one (1) through nine (9), inclusive,
97 of this Act.

98 Sec. 7. INTERPRETATION. Nothing in this Act shall
99 be construed to abrogate or affect the provisions of any
100 lawful ordinance, regulation, or resolution, which are more
101 restrictive than the provisions of sections one (1) through

102 nine (9), inclusive, of this Act.

103 Sec. 8. AGREEMENTS WITH THE UNITED STATES AUTHORIZED.
104 The commission may enter into agreements with the United
105 States secretary of transportation as provided by Title twenty-
106 three (23), United States Code, relating to control of junk-
107 yards in areas adjacent to the interstate and primary systems,
108 and take action in the name of the state to comply with the
109 terms of such agreements.

110 Sec. 9. Nothing in sections one (1) through nine (9),
111 inclusive, of this Act shall be construed as permitting the
112 taking of private property or the restriction of the
113 reasonable and existing uses of such property without just
114 compensation and in accordance with the provisions of chapter
115 four hundred seventy-two (472) of the Code and Title twenty-
116 three (23), United States Code.

117 Sec. 10. DEFINITIONS. For the purposes of sections
118 ten (10) through twenty-two (22), inclusive, of this Act,
119 unless the context otherwise requires:

120 1. "Commission" means the state highway commission of
121 the state of Iowa.

122 2. "Interstate highway" includes "interstate road"
123 and "interstate system" and means any highway of the primary
124 system at any time officially designated as a part of the
125 national system of interstate and defense highways by the
126 commission and approved by the appropriate authority of the
127 federal government.

128 3. "Bonus interstate highways" includes all inter-
129 state highways except those interstate highways adjacent
130 to areas excepted from control under chapter three hundred
131 six B (306B) by authority of section three hundred six B
132 point two (306B.2), subsection five (5) of the Code.

133 4. "Primary highways" includes the entire primary
134 system as officially designated, or as may hereafter be
135 so designated, by the commission.

136 5. "Freeway primary highway" means those primary
137 highways which have been constructed as a fully controlled
138 access facility with no access to the facility except at
139 established interchanges.

140 6. "Main-traveled way" means the portion of the road-
141 way for movement of vehicles on which through traffic is
142 carried exclusive of shoulders and auxiliary lanes. In the
143 case of a divided highway, the main-traveled way includes
144 each of the separated roadways for traffic in opposite
145 directions, exclusive of frontage roads, turning roadways,
146 or parking areas.

147 7. "Advertising device" includes any outdoor sign,
148 display, device, figure, painting, drawing, message, placard,
149 poster, billboard, or any other device designed, intended,
150 or used to advertise or give information in the nature of
151 advertising, and having the capacity of being visible from
152 the traveled portion of any interstate or primary highway.

- 153 8. "Structure" means any sign supporting device includ-
154 ing but not limited to buildings.
- 155 9. "Erect" means to construct, reconstruct, build, raise,
156 assemble, place, affix, attach, create, paint, draw, or in
157 any other way bring into being or establish; however, it shall
158 not include any of the foregoing activities when performed
159 incidental to the customary maintenance of a sign.
- 160 10. "Maintain" means to cause to remain in a state of
161 good repair but does not include reconstruction.
- 162 11. "Reconstruction" means any repair to the extent of
163 sixty percent or more of the replacement cost of the structure,
164 excluding buildings.
- 165 12. "Visible" means capable of being read or comprehended
166 without visual aid by a person of normal visual acuity.
- 167 13. "Adjacent area" means an area which is contiguous
168 to and within six hundred and sixty feet of the nearest edge
169 of the right-of-way of any interstate, freeway primary, or
170 primary highway.
- 171 14. "Right-of-way" means land area dedicated to public
172 use for the highway and its maintenance, and includes land
173 acquired in fee simple or by permanent easement for high-
174 way purposes, but does not include temporary easements or
175 rights for supplementary highway appurtenances.
- 176 15. "Information center" means a site, either with or
177 without structures or buildings, established and maintained
178 at a rest area for the purpose of providing "information of
179 specific interest to the traveling public", as that phrase is
180 defined in section eleven (11), subsection five (5), of this
181 Act.
- 182 16. "Rest area" means an area or site established and
183 maintained under authority of section three hundred thirteen
184 point sixty-seven (313.67) of the Code within the right-of-
185 way of an interstate, freeway primary, or primary highway under
186 supervision and control of the commission for the safety,
187 recreation, and convenience of the traveling public.
- 188 17. "Commercial or industrial zone" means those areas
189 zoned commercial or industrial under authority of a law,
190 regulation, or ordinance of this state, its subdivisions,
191 or a municipality.
- 192 18. "Commercial or industrial activities" means those
193 activities generally recognized as commercial or industrial
194 by zoning authorities in this state, except that none of
195 the following activities shall be considered commercial or
196 industrial:
- 197 a. Outdoor advertising structures.
- 198 b. Agricultural, forestry, grazing, farming, and
199 related activities, including, but not limited to, wayside
200 fresh produce.
- 201 c. Activities in operation less than three months per
202 year.
- 203 d. Activities conducted in a building principally used

204 as a residence.

205 e. Railroad tracks and minor spurs.

206 f. Activities outside of adjacent areas, as defined by
207 sections ten (10) through twenty-two (22), inclusive, of this
208 Act.

209 g. Activities which have been used in defining and
210 delineating an unzoned area but which have since been dis-
211 continued or abandoned.

212 h. Residential housing developments.

213 i. Mobile home parks

214 j. Institutions of learning.

215 k. State, county and charitable institutions.

216 l. State and county conservation and recreation areas,
217 public parks, forests, playgrounds, or other areas of
218 historic interest or areas designated as scenic beautification
219 areas under section three hundred thirteen point sixty-seven
220 (313.67) of the Code.

221 19. "Unzoned commercial or industrial area" means those
222 areas not zoned by state or local law, regulation, or ordinance,
223 which are occupied by one or more commercial or industrial
224 activities, and the land along the interstate, freeway primary,
225 and primary highways for a distance of seven hundred fifty
226 feet immediately adjacent to the activities. All measurements
227 shall be from the outer edge of the regularly used buildings,
228 parking lots, storage, or processing areas of the activities
229 and shall be parallel to the edge of pavement of the highway.
230 Measurements shall not be from the property line of the activities
231 unless that property line coincides with the limits of the
232 activities. Unzoned commercial or industrial areas shall not
233 include land on the opposite side of the highway from the
234 commercial or industrial activities.

235 Sec. 11. Subject to the provision made in section
236 twelve (12) of this Act regarding control of bonus interstate
237 highways, no advertising device shall be erected or maintained
238 within any adjacent area as defined in section ten (10) of
239 this Act, except the following:

240 1. Signs, displays, and devices advertising the sale
241 or lease or property upon which they are located.

242 2. Signs, displays, and devices advertising activities
243 conducted on the property on which they are located. Neither
244 shall the property upon which they are located be construed

245 to mean located upon any contiguous area having inconsistent
246 use, size, shape, or ownership.

247 3. Signs adjacent to such highways located in commercial
248 or industrial zones or in unzoned commercial or industrial
249 areas in compliance with the regulatory standards of sections
250 ten (10) through twenty-two (22), inclusive, of this Act and
251 rules and regulations promulgated by the commission.

252 4. Signs upon or along such highways which are
253 directional or other official traffic control devices and
254 notices which signs and notices shall include, but not be
255 limited to signs and notices pertaining to natural wonders,

256 scenic and historic attractions which are required or
257 authorized by law which shall conform with rules and
258 regulations promulgated by the commission, provided that
259 such rules shall be consistent with national standards pro-
260 mulgated from time to time by the appropriate authority of
261 the federal government, pursuant to Title twenty-three (23),
262 section one hundred thirty-one (131), paragraph c of the
263 United States Code.

264 5. Signs, displays, and devices giving specific
265 information of interest to the traveling public, may be
266 erected and maintained within the right-of-way in such
267 areas, and at appropriate distances from interchanges on
268 the interstate system as shall conform with the rules and
269 regulations promulgated by the commission. Such rules
270 shall be consistent with national standards promulgated
271 from time to time by the appropriate authority of the
272 federal government pursuant to Title twenty-three (23)
273 section one hundred thirty-one (131), paragraph f of the
274 United States Code. For purposes of sections ten (10)
275 through twenty-two (22), inclusive, of this Act, "specific
276 information of interest to the traveling public", means only
277 information about public places for outdoor recreation,
278 camping, lodging, eating, and vehicle service and repair,
279 including trade names only if it identified such places as
280 such.

281 Sec. 12. The commission shall control the erection
282 and maintenance of signs authorized by section eleven (11),
283 subsection three (3) of this Act in accord with the follow-
284 ing criteria, except that in the case of bonus interstate
285 highways the commission shall maintain the controls required
286 under chapter three hundred six B (306B) of the Code or the
287 controls required by sections ten (10) through twenty-two (22)
288 of this Act, whichever controls are stricter:

289 1. Signs adjacent to interstate highways and freeway
290 primary highways shall not be erected or maintained closer
291 to another sign facing in the same direction than five hundred
292 feet outside of cities and towns, and within two hundred fifty
293 feet if inside of cities and towns. A sign may not be located
294 within two hundred fifty feet of an interchange, or rest
295 area. The measurement shall be from the nearest widening
296 constructed for the purpose of acceleration or deceleration
297 of traffic movement to or from the main-traveled way to the
298 sign.

299 2. Signs adjacent to primary highways shall not be
300 erected or maintained closer to another sign facing in the
301 same direction than one hundred feet if inside the corporate
302 limits of a municipality. No sign, other than as excepted
303 or permitted by subsections four (4), five (5), or six (6) of
304 this section, shall be located within the triangular area
305 formed by the line connecting two points each fifty feet back
306 from the point where the street right-of-way lines of the main-

307 traveled way and the intersecting street meet, or would meet,
308 if extended.

309 3. Signs adjacent to primary highways shall not be
310 erected or maintained closer to another sign facing in the
311 same direction than three hundred feet if outside the corporate
312 limits of a municipality. No sign, other than those excepted
313 or permitted by subsections four (4), five (5), or six (6) of
314 this section, shall be located within the triangular area
315 formed by a line connecting two points each one hundred feet
316 back from the point where the street right-of-way line of the
317 main-traveled way and the intersecting street meet, or would
318 meet, if extended.

319 4. The distance spacing measurements fixed by subsections
320 two (2) and three (3) of this section shall not apply to signs
321 which are separated by a building in such a manner that only
322 one sign located within the minimum spacing distance is visible
323 from the highway at any one time.

324 5. Within a triangular area, as defined by subsections
325 two (2) and three (3) of this section, occupied by a building
326 or structure, no sign shall be erected or maintained closer
327 to the intersection than the building or structure itself,
328 except that a wall sign may be attached to said building
329 or structure not to protrude more than twelve inches.

330 6. Official signs and signs advertising the sale or
331 lease of the property or activities conducted upon the
332 property as specified in Title twenty-three (23), section
333 one hundred thirty-one (131), paragraph c of the United
334 States Code, shall not be taken into consideration in
335 determining compliance with spacing requirements.

336 7. The minimum distance between two signs facing the
337 same direction shall apply without regard to the side of
338 the highway on which the signs may be located and shall be
339 measured along the center line of the highway between points
340 directly opposite the signs.

341 8. Advertising devices shall not be erected, maintained
342 or illuminated:

343 a. In a manner to obscure or otherwise physically inter-
344 fere with an official traffic sign, signal, or device, or
345 to obstruct or physically interfere with any driver's view
346 of approaching, merging, or intersecting traffic.

347 b. Unless effectively shielded to prevent light from
348 being directed at any portion of the traveled highway with
349 such intensity or brilliance as to cause glare or to impair
350 the vision of the driver of any motor vehicle.

351 c. Which contain, include, or are illuminated by any
352 flashing, intermittent, or moving light or lights, except
353 those giving public service information such as, but not
354 limited to time, date, temperature, weather, news and similar
355 information.

356 d. Which imitate or resemble an official sign or signal
357 or device or which are erected or maintained within or closer

358 than three hundred feet from scenic areas, as defined and
359 determined by the commission, or which are located or main-
360 tained upon trees, or painted or drawn upon rocks or natural
361 features, or which are structurally unsafe or in substantial
362 disrepair.

363 e. Which exceed one thousand two hundred square feet
364 in area or in the case of a back-to-back or V-type sign, with
365 a maximum of two facings per sign, seven hundred fifty square
366 feet in area, including border and trim but excluding base or
367 apron, support, and other structural members.

368 f. Which do not comply with all applicable state or
369 local laws, regulations and ordinances, including but not
370 limited to zoning, building, and sign codes as locally
371 interpreted and applied and enforced, or which violate
372 chapter three hundred nineteen (319) of the Code; however,
373 nothing in sections ten (10) through twenty-two (22),
374 inclusive, of this Act shall prevent or restrict county
375 or local zoning authorities from making a determination of
376 customary use concerning size, lighting, and spacing of signs
377 in zoned commercial or industrial adjacent areas, and such
378 determinations will be accepted in lieu of the standards of
379 sections ten (10) through twenty-two (22), inclusive, of this
380 Act. The provisions of sections ten (10) through twenty-two
381 (22), inclusive, of this Act shall not prevent or restrict
382 county or local zoning authorities within their respective
383 jurisdictions from establishing standards imposing controls
384 stricter than those required by sections ten (10) through
385 twenty-two (22), inclusive, of this Act.

386 g. The standards contained in this section pertaining
387 to size, lighting, and spacing shall not apply to signs
388 erected or maintained within six hundred sixty feet of the
389 right-of-way of those portions of the interstate highway
390 system exempted from control under chapter three hundred
391 six B (306B) of the Code by authority of section three
392 hundred six B point two (306B.2), subsection five (5) of
393 the Code, nor to signs erected and maintained within
394 adjacent areas along primary highways within zoned and
395 unzoned commercial and industrial areas, unless said signs
396 were erected subsequent to the effective date of sections
397 ten (10) through twenty-two (22), inclusive, of this Act.

398 Sec. 13. Any sign lawfully in existence in an adjacent
399 area on the effective date of sections ten (10) through
400 twenty-two (22), inclusive, of this Act, which does not
401 conform with the provisions of sections ten (10) through
402 twenty-two (22), inclusive, of this Act, shall be required
403 to be brought into conformity or removed within six years after
404 the effective date of sections ten (10) through twenty-two
405 (22), inclusive, of this Act. Any sign lawfully erected after
406 the effective date of sections ten (10) through twenty-two
407 (22), inclusive, of this Act which subsequently becomes
408 nonconforming, shall be required to be brought into conformity

409 or removed within five years after the date the nonconformity
410 occurs. However, no sign shall be acquired or be required to
411 be removed pursuant to sections ten (10) through twenty-two
412 (22), inclusive, of this Act unless the commission has received
413 notification from the federal government that the federal share
414 of "just compensation" to be paid is immediately available to
415 contribute to the cost of acquisition or removal; this require-
416 ment shall not apply to the acquisition or removal of signs
417 for which no federal share is payable.

418 Sec. 14. The commission shall acquire by purchase, gift,
419 or condemnation, and shall pay "just compensation" upon the
420 removal of any of the following signs which are not in
421 conformity with the provisions of sections ten (10) through
422 twenty-two (22), inclusive, of this Act:

423 1. Signs lawfully in existence on the effective date of
424 sections ten (10) through twenty-two (22), inclusive, of this
425 Act.

426 2. Signs lawfully in existence on land adjoining any
427 highway made an interstate, freeway primary, or primary
428 highways after the effective date of sections ten (10)
429 through twenty-two (22), inclusive, of this Act.

430 3. Signs lawfully erected on or after the effective
431 date of sections ten (10) through twenty-two (22), inclusive,
432 of this Act, but which subsequently become nonconforming.

433 4. Any sign erected on the mistaken or negligent
434 advice of any official or employee of the state of Iowa as
435 to the interpretation, effect, or operation of sections
436 ten (10) through twenty-two (22), inclusive, of this Act,
437 chapter three hundred six B (306B) of the Code, or rules
438 and regulations promulgated by the commission.

439 Sec. 15. Compensation required by section fourteen (14)
440 of this Act shall be paid for the following:

441 1. The taking from the owner of such sign, display,
442 or device of all right, title, leasehold, and interest in
443 such sign, display or device.

444 2. The taking from the owner of real property on
445 which a sign, display, or device is located, of the right
446 to erect and maintain such signs, displays, and devices
447 upon that real property.

448 Sec. 16. The provisions of chapters four hundred
449 seventy-one (471) and four hundred seventy-two (472) of
450 the Code shall be applicable to any such condemnation
451 commenced pursuant to sections ten (10) through twenty-two
452 (22), inclusive, of this Act, and the commission may take
453 immediate possession of and remove such signs under the
454 procedures of section four hundred seventy-two point
455 twenty-five (472.25) of the Code.

456 Sec. 17. On every sign regulated by the provisions
457 of sections ten (10) through twenty-two (22), inclusive,
458 of this Act, or on the structure on which the sign is
459 displayed, shall be affixed the name and address of the

460 owner of the display and the date of its erection. However,
461 if the address of the owner is on file with the commission
462 it need not be stated on the display. No sign permitted
463 by section twelve (12) of this Act may be erected without
464 first obtaining a permit from the commission. The appli-
465 cation for a permit shall be on a form provided by the
466 commission and shall contain such information as the commission
467 may deem necessary. Upon receipt of an application containing
468 all required information in due form and properly executed,
469 together with a permit fee as provided in this section, the
470 commission shall issue a permit to the applicant for the
471 erection of the sign if the sign will not violate any pro-
472 vision of sections ten (10) through twenty-two (22), inclusive,
473 of this Act, or of chapter three hundred six B (306B) of the
474 Code, or any rule or regulation promulgated by the commission.

475 The fee for a permit shall be:

476 1. Two dollars for the initial permit and fifty cents
477 for each annual renewal thereof, if the advertising area of
478 the advertising device does not exceed fifty square feet.

479 2. Five dollars for the initial permit and one dollar
480 for each annual renewal thereof, if the advertising area of
481 the advertising device exceeds fifty square feet, but does
482 not exceed three hundred square feet.

483 3. Ten dollars for the initial permit and two dollars
484 for each annual renewal thereof, if the advertising area of
485 the advertising device exceeds three hundred square feet.

486 Sec. 18. Any sign erected or maintained in an adjacent
487 area after the effective date of sections ten (10) through
488 twenty-two (22), inclusive, of this Act, in violation of
489 sections ten (10) through twenty-two (22), inclusive, of
490 this Act, or any sign erected or maintained in violation of
491 chapter three hundred six B (306B) of the Code, or the rules
492 and regulations promulgated by the commission, is a public
493 nuisance and may be removed by the commission upon thirty
494 days' notice, by certified mail, to the owner of the device
495 and to the owner of the land on which the sign is located.
496 The notice shall require such owners to remove the sign if
497 it is prohibited, or to cause it to conform to sections
498 ten (10) through twenty-two (22), inclusive, of this Act
499 or rules and regulations promulgated by the commission if
500 it is not prohibited.

501 1. If the landowner or owner of the sign fails to act
502 within thirty days as required in the notice, the commission
503 may enter upon the land and remove the sign. Such entry after
504 notice, shall not be deemed a trespass and the commission may
505 be aided by injunction to abate the nuisance and to insure
506 peaceful entry.

507 2. The cost of removal, including any fees and costs
508 or expenses as may arise out of any action brought by the
509 commission to insure peaceful entry and removal, shall be
510 assessed against the owner of the sign. Should the owner

511 of the sign fail to promptly pay such fees, costs, or expenses,
512 the commission shall proceed to advertise and sell the sign for
513 purposes of collecting the same. Any balance from the total
514 receipts of the sale after deducting all fees, costs, and
515 expenses, including those of the sale, shall be paid to the
516 owner of the sign; however, if in the opinion of the
517 commission the proceeds of the sale will not be sufficient
518 to justify the expense involved, the sign may be used,
519 scrapped, dismantled, or otherwise destroyed or disposed
520 of by the commission as it sees fit.

521 Sec. 19. Whoever erects a sign in violation of
522 sections ten (10) through twenty-two (22), inclusive,
523 of this Act or chapter three hundred six B (306B) of
524 the Code or the rules and regulations promulgated by
525 the commission shall be guilty of a misdemeanor and
526 upon conviction be fined not less than twenty-five dollars
527 nor more than one hundred dollars.

528 Sec. 20. The commission shall enter into agreements
529 with the duly constituted federal authorities in order to
530 secure for the state all bonus federal funds allotted and
531 appropriations to the state and to avoid loss or reduction,
532 under Title twenty-three (23), section one hundred thirty-
533 one (131), of the United States Code, of federal aid funds
534 apportioned or to be apportioned to the state under Title
535 twenty-three (23), section one hundred four (104) of the
536 United States Code. The commission may accept funds from
537 whatever source, including any allotment of funds by the
538 United States, or any of its departments or agencies,
539 appropriated to carry out the purposes of Title twenty-
540 three (23), section one hundred thirty-one (131) of the United
541 States Code. The commission shall take such steps as may be
542 necessary to obtain from the United States or any of its
543 departments or agencies, funds allotted and appropriated
544 for the purpose of paying the federal share of just compensation
545 to be paid to sign owners and owners of the real property under
546 the terms of this Act and Title twenty-three (23), section one
547 hundred thirty-one (131), paragraph g of the United States
548 Code.

549 Sec. 21. The commission may establish or enter into
550 agreements with private persons, firms, or corporations for
551 the establishment of information centers in rest areas
552 on the interstate, freeway primary, and primary highways,
553 subject to the approval of the appropriate authority of
554 the federal government.

555 Sec. 22. Section three hundred six B point five
556 (306B.5), Code 1971, is amended to read as follows:
557 306B.5 NUISANCE DECLARED. Any advertising device
558 erected adjacent to any interstate system after May 21,
559 1965, which violates the provisions of this chapter or
560 fails to comply with the rules and regulations promulgated
561 by the state highway commission is a public nuisance. The
562 state highway commission shall give thirty days' notice,

563 by certified mail, to the owner of the device and to the
564 owner of the land on which said device is located to remove
565 such advertising device if it is a prohibited device or
566 cause it to conform to rules and regulations if it is an
567 authorized device. ~~If the landowner or owner of the~~
568 ~~device fails to act within thirty days as required in the~~
569 ~~notice, the state highway commission may file a petition~~
570 ~~in the district court of the county where such advertising~~
571 ~~device is located to abate the nuisance. -- If the court finds~~
572 ~~that a violation exists as alleged in the petition, the~~
573 ~~court shall enter an order of abatement against the person~~
574 ~~or persons erecting or maintaining such advertising device~~
575 ~~and against the person or persons owning the land on which~~
576 ~~such advertising device is located. If the landowner or~~
577 ~~owner of the sign fails to act within thirty days as~~
578 ~~required in the notice, the state highway commission may~~
579 ~~enter upon the land and remove the sign. Such entry after~~
580 ~~notice, shall not be deemed a trespass and the commission~~
581 ~~may be aided by injunction to abate the nuisance and to~~
582 ~~insure peaceful entry. The cost of removal, including any~~
583 ~~fees and costs or expenses as may arise out of any action~~
584 ~~brought by the commission to insure peaceful entry and~~
585 ~~removal, shall be assessed against the owner of the sign.~~
586 ~~Should the owner of the sign fail to promptly pay such~~
587 ~~fees, costs or expenses, the commission shall proceed to~~
588 ~~advertise and sell the sign for purposes of collecting the~~
589 ~~same. Any balance from the total receipts of the sale after~~
590 ~~deducting the fees, costs and expenses, including those of~~
591 ~~the sale, shall be paid to the owner of the sign; however,~~
592 ~~if in the opinion of the commission, the proceeds of the~~
593 ~~sale will not be sufficient to justify the expense involved,~~
594 ~~the sign may be used, scrapped, dismantled, or otherwise~~
595 ~~destroyed or disposed of by the commission as it sees fit.~~
596 4. Page 1, lines 1 and 2, by striking everything after the
597 word "to" and inserting in lieu thereof the word "the
598 state's compliance with the federal Highway Beautification
599 Act regarding junkyard and billboard standards, and providing
600 penalties."

Received from the Senate
February 9, 1972

House concurred as amended 2/1/72 (891)

HOUSE FILE 734

1 Amend Senate amendment to House File 734 as follows:

2 1. Page 18, line 265, by striking the word
3 "may" and inserting in lieu thereof the word "shall".

4 2. Page 18, line 268, by inserting following
5 the word "system" the words "and freeway primary
6 highways".

7 3. Pages 21 and 22 by striking lines 456 through
8 485 inclusive and inserting in lieu thereof
9 the following:

10 Sec. 17. Within thirty days from the
11 effective date of this Act, the owner of every sign
12 regulated by the provisions of this Act, except
13 signs excepted by subsections one (1), two (2),
14 four (4) and five (5) of Section 11 of this Act,
15 shall be required to make application to the com-
16 mission for a permit.

17 The application for a permit shall be on a form
18 provided by the commission and shall contain the
19 name and address of the owner of the sign and the
20 name and address of the owner of the real property
21 on which it is located; the date of its erection;
22 a description of its location; its dimensions; and
23 such other information required by the commission,
24 together with a permit fee as provided in this
25 section.

26 After the effective date of this Act, no new
27 sign for which an application for a permit is re-
28 quired may be erected without first obtaining a
29 permit from the commission, except in the case of
30 signs lawfully in existence in areas adjacent to any
31 highway made an interstate, freeway primary, or
32 primary highway after the effective date of this Act.
33 The owner shall be required to make application for
34 a permit as provided for in this section within
35 thirty days after the date the said highway
36 acquired said designation.

37 Upon receipt of an application containing all the
38 required information in due form and properly executed,
39 together with the fee required, the commission shall
40 issue a permit to be affixed to the sign if the sign
41 will not violate any provision of Sections 10
42 through 22 inclusive, of this Act, or
43 any rule or regulation promulgated by the commission,
44 provided that in the case of signs to be acquired
45 pursuant to Section 14 of this Act a pro-
46 visional permit shall be issued.

47 The fee for both types of permits shall be five
48 dollars for the initial fee and two dollars and fifty
49 cents for each annual renewal. The fees collected for
50 the above permits shall be credited to a special

House 9
February 17, 1972

51 account entitled the "Highway Beautification Account"
52 and all salaries and expenses incurred in adminis-
53 tering this Act shall be paid from this fund or
54 from specific appropriations for this purpose, except
55 that surveillance of, and removal of, signs performed
56 by regular maintenance personnel are not to be charged
57 against the account.
58 4. Page 22, by striking all of line 490 after the
59 word "Act" and all of line 491 through the word "Code,".
60 5. Page 23, by striking all of lines 521 through
61 527 inclusive.

Filed - *W.D. 3/1/72 (887)*
February 16, 1972

By WELDEN of Hardin
UBAN of Black Hawk
SCHROEDER of Pottawattamie
SCHWIEGER of Black Hawk

HOUSE FILE 734

1 Amend the Senate amendment to House File 734 as
2 follows:
3 1. By striking lines 26 through 30 and inserting in
4 lieu thereof the following: "4. Primary highway
5 means the federal aid primary system."
6 2. Line 82, by striking the words "or without".

Filed - *Adopted 3-1-72 (881)*
February 16, 1972

By HOLDEN of Scott

*Senate Refused
to Confer 3/7/72
Confer. Com. 3/7*

*House insists
on amendment 3/7/72
Confer. Com. - 3/7*

SENATE CLIP SHEET
Tuesday, March 7, 1972

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 734

- 1 Amend the Senate Amendment to House File 734 as follows:
2 1. Line 3, by inserting after the word "Billboard" the
3 word "Control".
4 2. By striking lines 26 through 30, and inserting in
5 lieu thereof the following:
6 "4. Primary highway means the federal aid primary system."
7 3. Line 82, by striking the words "or without".
8 4. Line 224, by striking the words ", freeway primary,"
9 and inserting in lieu thereof the word "highways".
10 5. Line 239, by inserting after the comma the following:
11 "or on the right-of-way of any primary highway,".
12 6. Lines 240 and 242, by striking the words "Signs,
13 displays, and devices advertising" and inserting in lieu
14 thereof the words "Advertising devices concerning".
15 7. Line 247, by striking the words "Signs adjacent to
16 such highways" and inserting in lieu thereof the words
17 "Advertising devices within the adjacent area".
18 8. Line 265, by striking the word "may" and inserting in
19 lieu thereof the word "shall".
20 9. Line 266, by inserting after the word "erected" the
21 words "by the commission".
22 10. Line 268, by inserting following the word "system"
23 the words "and freeway primary highways".
24 11. Line 278, by striking the words "vehicle service and
25 repair" and inserting in lieu thereof the words "gas and

PAGE 2

- 1 associated services which means the business shall be in
2 continuous operation sixteen hours per day, seven days per
3 week, with telephones and restroom facilities, motor fuel,
4 oil, and water, including trade names."
5 12. By striking lines 279 and 280, and inserting in lieu
6 thereof the following:
7 Commercial vendors using informational signs shall furnish
8 and maintain informational panels to the commission and the
9 commercial vendor shall pay an annual fee of twenty-five dollars
10 for each informational panel to the commission for posting such
11 informational panels. There is created in the office of the
12 treasurer of state a fund to be known as the "highway
13 beautification fund" and all funds received for the posting of
14 informational panels shall be deposited in the "highway
15 beautification fund".
16 13. Line 280, by inserting after the period the following:

PAGE 2

17 Information on gas and associated services may include vehicle
18 service and repair where the same is available.

19 14. By adding the following new section after line 280:

20 Sec. 12. An advertising device shall not be constructed or
21 reconstructed beyond the adjacent area in unincorporated areas
22 of the state if it is visible from the main-traveled way of any
23 interstate or primary highway except for advertising devices
24 permitted in section eleven (11), subsections one (1) and two
25 (2) of this Act. Any advertising device permitted beyond an

PAGE 3

1 adjacent area in unincorporated areas of the state shall be
2 subject to the applicable permit provisions of section
3 seventeen (17) of this Act.

4 15. By striking lines 456 through 485, inclusive, and
5 inserting in lieu thereof the following:

6 Sec. 17. Within thirty days from the effective date of
7 this Act, the owner of every advertising device regulated by
8 the provisions of this Act, except signs and advertising devices
9 excepted by subsections one (1), two (2), four (4) and five
10 (5) of Section 11 of this Act, shall be required to make
11 application to the commission for a permit.

12 The application for a permit shall be on a form provided by
13 the commission and shall contain the name and address of the
14 owner of the advertising device and the name and address of the
15 owner of the real property on which it is located; the date of
16 its erection; a description of its location; its dimensions; and
17 such other information required by the commission, together with
18 a permit fee as provided in this section.

19 After the effective date of this Act, no new advertising de-
vice

20 for which an application for a permit is required by be erected
21 without first obtaining a permit from the commission, except in
22 the case of advertising devices lawfully in existence in areas
23 adjacent to any highway made an interstate, freeway primary, or
24 primary highway after the effective date of this Act. The owner
25 shall be required to make application for a permit as provided

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1 for in this section within thirty days after the date the said
2 highway acquired said designation.

3 Upon receipt of an application containing all the required
4 information in due form and properly executed together with
5 the fee required, the commission shall issue a permit to be
6 affixed to the advertising device if the advertising device
7 will not violate any provision of Sections 10 through 22
8 inclusive, of this Act, or any rule or regulation promulgated
9 by the commission, provided that in the case of advertising
10 devices to be acquired pursuant to Section 14 of this Act a

PAGE 4

11 provisional permit shall be issued.

12 The fee for both types of permits shall be five dollars
13 for the initial fee and for each annual renewal. The fees
14 collected for the above permits shall be credited to a special
15 account entitled the "highway beautification fund" and all
16 salaries and expenses incurred in administering this Act shall
17 be paid from this fund or from specific appropriations for
18 this purpose, except that surveillance of, and removal of,
19 advertising devices performed by regular maintenance personnel
20 are not to be charged against the account.

21 16. Lines 486 and 487, by striking the words "in an
22 adjacent area".

23 17. By striking all of line 490 after the word "Act"
24 and all of line 491 through the word "Code".

25 18. By striking all of lines 521 through 527 inclusive.

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1 19. Line 548, by inserting after the period the words
2 "All moneys received pursuant to the provisions of this
3 Act shall be deposited in the 'highway beautification fund'."

4 20. By striking lines 557 through 595, inclusive, and
5 inserting in lieu thereof the following:

6 306B.5 NUISANCE DECLARED. Any advertising device
7 erected adjacent to any interstate system after May 21, 1965,
8 which violates the provisions of this chapter or fails to
9 comply with the rules and regulations promulgated by the
10 state highway commission is a public nuisance. The state
11 highway commission shall give thirty days' notice, by cer-
12 tified mail, to the owner of the device and to the owner
13 of the land on which said device is located to remove such
14 advertising device if it is a prohibited device or cause it
15 to conform to rules and regulations if it is an authorized
16 device. If the landowner or owner of the device fails to
17 act within thirty days as required in the notice, the state
18 highway commission may file a petition in the district court
19 of the county where such advertising device is located to
20 abate the nuisance. If the court finds that a violation
21 exists as alleged in the petition, the court shall enter an
22 order of abatement against the person or person erecting
23 or maintaining such advertising device and against the
24 person or persons owning the land on which such advertising
25 device is located. If the landowner or owner of the sign

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1 fails to act within the time required in the order of
2 abatement, the state highway commission may give thirty
3 days' notice to the landowner or owner of the sign and at
4 the end of thirty days the commission may enter upon the land
5 and remove the sign. Such entry after notice, shall not be

PAGE 6

6 deemed a trespass and the commission may be aided by in-
7 junction to abate the nuisance and to insure peaceful entry.
8 The cost of removal, including any fees and costs or expenses
9 as may arise out of any action brought by the commission to
10 insure peaceful entry and removal, shall be assessed against
11 the owner of the sign. Should the owner of the sign fail to
12 promptly pay such fees, costs or expenses, the commission
13 shall proceed to advertise and sell the sign for purposes of
14 collecting the same. Any balance from the total receipts
15 of the sale after deducting the fees, costs and expenses,
16 including those of the sale, shall be paid to the owner of
17 the sign; however, if in the opinion of the commission, the
18 proceeds of the sale will not be sufficient to justify the
19 expense involved, the sign may be used, scrapped, dismantled,
20 or otherwise destroyed or disposed of by the commission as
21 it sees fit.

22 21. Lines 153, 291, 298, 300, 302, 310, 312, 322, 326, 328,
23 364, 365, 398, 405, 410, 433, 486, 495, 496, 501, 503, 510,
24 511, 512, 516, 518, and 545; by striking the word "sign"
25 wherever it appears and inserting in lieu thereof the words

PAGE 7

1 "advertising device".
2 22. Line 159, by striking the words "a sign" wherever
3 they appear and inserting in lieu thereof the words "an
4 advertising device".
5 23. Lines 282, 320, 336, 338, 340, 376, 387, 393, 395,
6 416, 420, and 453, by striking the word "signs" wherever it
7 appears and inserting in lieu thereof the words "advertising
8 devices".
9 24. Lines 289, 299, and 309, by striking the words "Signs
10 adjacent to" wherever they appear and inserting in lieu
11 thereof the words "Advertising devices located within the
12 adjacent area of".
13 25. Line 293, by striking the words "A sign" and inserting
14 in lieu thereof the words "An advertising device".
15 26. Line 330, by striking the words "signs and signs
16 advertising" and inserting in lieu thereof the words "advertising
17 devices and advertising devices concerning".
18 27. Lines 423, 426, and 430, by striking the word "Signs"
19 wherever it appears and inserting in lieu thereof the words
20 "Advertising devices".
21 28. Lines 441, 442, and 443, by striking the words "sign,
22 display, or" wherever they appear and inserting in lieu thereof
23 the word "advertising".
24 29. Line 445, by striking the words "a sign, display, or"
25 and inserting in lieu thereof the words "an advertising".

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1 30. Line 446, by striking the words "signs, displays,
2 and" and inserting in lieu thereof the word "advertising".
3 31. Line 494, by adding before the word "device" the

Senate 5
March 7, 1972

PAGE 8

- 4 word "advertising".
5 32. By renumbering sections and correcting internal
6 references in conformance to the provisions of this amendment.

Received from the House
March 6, 1972

HOUSE FILE 734

- 1 Amend the Committee on Transportation amendment, filed
2 January 21, 1972 to House File 734 as follows:
3 1. Page 11, by striking all after the period on
4 line 13 and lines 14 through 18 inclusive. } *Div 1*
5 2. Page 13, by striking lines 13 through 16 and in- *withdrew*
6 sserting in lieu thereof the following: "1. Signs adjacent *1/25/72*
7 to interstate highways and freeway primary highways shall
8 not be erected or maintained closer to another sign fac-
9 ing in".
10 3. Page 14, line 9, by striking the word "in" and
11 inserting in lieu thereof the word "and". } *Div 2*
12 4. Page 16, line 23, by inserting after the word *adopted*
13 "sign" the words ", with a maximum of two facings per sign," *1/25/72*
14 5. Page 16, line 23, by striking the words "for
15 each".
16 6. Page 16, line 24, by striking the words "of two
17 facings".
18 7. Page 19, line 4, by striking the period and in-
19 sserting in lieu thereof a semicolon.
20 8. Page 19, line 4, by striking the words "This
21 section" and inserting in lieu thereof the words "this re-
22 quirement".
23 9. Page 21, line 20, by striking the word
24 "annual". } *Div 3*
adopted 1/25

Filed - *Div 1 w.o.*; *Div 2+3 adopted 1/25*
January 24, 1972 (167) By WALSH

HOUSE FILE 1011

HOUSE FILE 734

- 1 Amend the Committee on Transportation amendment of January
2 21, 1972, to House File 734, as passed by the House, on page 2,
3 line 17, by placing a period after the word "means" and
4 striking the word "obscuring" and striking lines 18 and 19
5 inclusive.

Filed - *Just 1/25/72 (168)*
January 24, 1972

By ERSKINE

SENATE FILE 356

1 .Amend the Committee on Transportation amendment, filed
2 January 21, 1972, to House File 734, page 9, after line
3 8, by adding the following new paragraph:
4 "Whenever business, industry, commerce or outdoor
5 advertising are permitted uses in predominately
6 agricultural locally zoned areas, such areas are
7 deemed appropriate for business purposes and are
8 hereby zoned commercial to permit such uses to
9 the extent allowed by the local zoning authorities."

Filed
February 4, 1972

By GROSS

1 Amend the Committee on Transportation amendment
2 filed January 21, 1972, to House File 734 as follows:
3 Page 20, after line 23, by adding the following new
4 section and renumbering the subsequent sections
5 accordingly:
6 "Sec. _____. Limit the states share of spending to five
7 (5) million dollars."

Filed
February 9, 1972

By GROSS

HOUSE FILE 734

1 Amend the Committee on Transportation amendment filed
2 1972 to House File 734, page 1, by striking all of lines 7
3 9, inclusive, and inserting in lieu thereof the following:
4 "3. By striking everything after the enacting clause and
5 inserting in lieu thereof the following:"

Filed and adopted By WALSH
January 25, 1972

HOUSE FILE 734

1 Amend the Committee on Transportation amendment, filed
2 January 21, 1972 to House File 734 as follows:

Division 1

3 1. Page 21, line 20, by striking the word "annual".

Division 2

4 2. Page 21, line 21, by inserting after the word "dollars"
5 the following: "for the initial permit and fifty cents for
6 each annual renewal thereof".

7 3. Page 21, line 23, by inserting after the word "dollars"
8 the following: "for the initial permit and one dollar for
9 each annual renewal thereof".

10 4. Page 22, line 1, by inserting after the word "dollars"
11 the following: "for the initial permit and two dollars for
12 each annual renewal thereof".

*Div 1
withdrawn
1/25*
*Div 2
adopted
1/25*

Filed By LAMBORN
Division 1 withdrawn; Division 2 adopted 1/25 (171)
January 25, 1972

HOUSE FILE 734

1 Amend the Committee on Transportation amendment, filed
2 January 21, 1972 to House File 734 as follows:

3 1. Page 22, line 3 after the word "erected" insert the
4 words "or maintained".

5 2. Page 22, line 7 after the word "erected" insert the
6 words "or maintained".

Filed and adopted By WALSH
January 25, 1972

HOUSE FILE 734

1 Amend the Committee on Transportation amendment,
2 filed January 21, 1972 to House File 734 as follows:

3 1. Page 11, by striking all after the period on
4 line 13 and lines 14 through 15 inclusive, and insert-
5 ing in lieu thereof "Neither shall".

Filed and adopted By WALSH
January 25, 1972

SENATE CLIP SHEET
Monday, January 24, 1972

HOUSE FILE 734

1 Amend House File 734, as passed by the House, as
2 follows:

3 1. Page 1, line 4, after the word "Beautification"
4 insert the words "and Billboard".

5 2. Page 1, line 11, after the word "junkyards"
6 insert the words "and to control outdoor advertising".

7 3. By striking everything found on pages 2 through
8 4, inclusive, and inserting in lieu thereof the
9 following:

10 Section 1. DEFINITIONS. For the purposes of sections
11 one (1) through nine (9), inclusive, of this Act, unless
12 the context otherwise requires:

13 1. "Junk" means old or scrap copper, brass, rope,
14 rags, batteries, paper, trash, rubber debris, waste,
15 or junked, dismantled, or wrecked automobiles, or parts
16 of automobiles, or iron, steel, or other old or scrap
17 ferrous or nonferrous material.

18 2. "Junkyard" means an establishment or place of
19 business which is maintained, operated, or used primarily
20 for storing, keeping, buying, or selling junk; and the
21 term includes garbage dumps, sanitary fills, and
22 automobile graveyards.

23 3. "Interstate highway" includes "interstate road"
24 and "interstate system" and means any highway of the
25 primary system at any time officially designated as

PAGE 2

1 a part of the national system of interstate and defense
2 highways by the commission and approved by the
3 appropriate authority of the federal government.

4 4. "Primary highway" includes the federal aid primary
5 system and means that portion of connected main highways
6 which are currently or subsequently officially designated
7 as primary highways by the commission and approved by
8 the appropriate authority of the federal government.

9 5. "Commission" means the state highway commis-
10 sion.

11 Sec. 2. JUNKYARDS PROHIBITED--EXCEPTIONS. A person
12 shall not establish, operate, or maintain a junkyard,
13 any portion of which is within one thousand feet of
14 the nearest edge of the right-of-way of any interstate
15 or primary highway, except:

16 1. Those which are screened by natural objects,
17 plantings, fences, or other appropriate means obscuring

18 them from view from the main-traveled portion of the
19 highway.

20 2. Those located within areas which are zoned for
21 industrial use under authority of law.

22 3. Those located within unzoned industrial areas
23 which areas shall be determined from actual land uses
24 and defined by regulations to be promulgated by the
25 commission under the provisions of chapter seventeen

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1 A (17A) of the Code in accordance with the standards,
2 criteria, and rules and regulations promulgated under
3 authority of Title twenty-three (23), United States
4 Code.

5 4. Those which are not visible from the main-traveled
6 portion of the highway.

7 Sec. 3. JUNKYARDS LAWFULLY IN EXISTENCE. Any
8 junkyard located outside a zoned or unzoned industrial
9 area lawfully in existence on the effective date of
10 this Act which is within one thousand feet of the nearest
11 edge of the right-of-way and visible from the main-
12 traveled portion of any highway on the interstate or
13 primary system shall be screened, if feasible, by the
14 commission or the owner under rules and direction of
15 the commission, at locations on the highway right-of-
16 way or in areas acquired for such purposes outside the
17 right-of-way in order to obscure the junkyard from the
18 main-traveled way of such highways.

19 Sec. 4. REQUIREMENTS AS TO SCREENING. The commission
20 may adopt rules and regulations pursuant to chapter
21 seventeen A (17A) of the Code governing the location,
22 planting, construction, and maintenance of screening
23 or fencing required by this Act including materials
24 to be used. However, such rules and regulations shall
25 be in accordance with the standards, criteria, rules

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1 and regulations promulgated under authority of Title
2 twenty-three (23), United States Code.

3 Sec. 5. ACQUISITION OF LAND FOR SCREENING OR REMOVAL.
4 When the commission determines that it is in the best
5 interests of the state, it may acquire by gift, purchase,
6 exchange, or condemnation, as provided by law, such
7 property or rights or interests in property as may be
8 necessary to provide adequate screening for junkyards.
9 When the commission determines that the topography of
10 the land adjoining the highway will not permit adequate
11 screening, or screening would not be economically
12 feasible, the commission may acquire such property or
13 rights or interests in property as may be necessary
14 to secure the relocation, removal, or disposal of the

PAGE 4

15 junkyard, and shall pay the cost of such relocation,
16 removal, or disposal, with or without federal
17 participation. However, no plan for relocation, removal,
18 or disposal which qualifies for federal participation
19 shall be undertaken unless the commission has received
20 notification from the federal government that the federal
21 share to be paid is immediately available for that
22 purpose.

23 Sec. 6. NUISANCE--INJUNCTION. Any junkyard which
24 does not conform to the requirements of sections one
25 (1) through nine (9), inclusive, of this Act, and which

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1 is not excepted under sections two (2) or three (3)
2 of this Act, is a public nuisance. The commission may
3 apply for an injunction to abate any nuisance arising
4 from a violation of the provisions of sections one (1)
5 through nine (9), inclusive, of this Act, or rules and
6 regulations adopted pursuant to sections one (1) through
7 nine (9), inclusive, of this Act.

8 Sec. 7. INTERPRETATION. Nothing in this Act shall
9 be construed to abrogate or affect the provisions of
10 any lawful ordinance, regulation, or resolution, which
11 are more restrictive than the provisions of sections
12 one (1) through nine (9), inclusive, of this Act.

13 Sec. 8. AGREEMENTS WITH THE UNITED STATES AUTHORIZED.
14 The commission may enter into agreements with the United
15 States secretary of transportation as provided by Title
16 twenty-three (23), United States Code, relating to
17 control of junkyards in areas adjacent to the interstate
18 and primary systems, and take action in the name of
19 the state to comply with the terms of such agreements.

20 Sec. 9. Nothing in sections one (1) through nine
21 (9), inclusive, of this Act shall be construed as
22 permitting the taking of private property or the
23 restriction of the reasonable and existing uses of such
24 property without just compensation and in accordance
25 with the provisions of chapter four hundred seventy-

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1 two (472) of the Code and Title twenty-three (23),
2 United States Code.

3 Sec. 10. DEFINITIONS. For the purposes of sections
4 ten (10) through twenty-two (22), inclusive, of this
5 Act, unless the context otherwise requires:

6 1. "Commission" means the state highway commission
7 of the state of Iowa.

8 2. "Interstate highway" includes "interstate road"

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9 and "interstate system" and means any highway of the
10 primary system at any time officially designated as
11 a part of the national system of interstate and defense
12 highways by the commission and approved by the
13 appropriate authority of the federal government.

14 3. "Bonus interstate highways" includes all
15 interstate highways except those interstate highways
16 adjacent to areas excepted from control under chapter
17 three hundred six B (306B) by authority of section three
18 hundred six B point two (306B.2), subsection five (5)
19 of the Code.

20 4. "Primary highways" includes the entire primary
21 system as officially designated, or as may hereafter
22 be so designated, by the commission.

23 5. "Freeway primary highway" means those primary
24 highways which have been constructed as a fully
25 controlled access facility with no access to the facility

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1 except at established interchanges.

2 6. "Main-traveled way" means the portion of the
3 roadway for movement of vehicles on which through traffic
4 is carried exclusive of shoulders and auxiliary lanes.
5 In the case of a divided highway, the main-traveled
6 way includes each of the separated roadways for traffic
7 in opposite directions, exclusive of frontage roads,
8 turning roadways, or parking areas.

9 7. "Advertising device" includes any outdoor sign,
10 display, device, figure, painting, drawing, message,
11 placard, poster, billboard, or any other device designed,
12 intended, or used to advertise or give information in
13 the nature of advertising, and having the capacity of
14 being visible from the traveled portion of any interstate
15 or primary highway.

16 8. "Structure" means any sign supporting device
17 including but not limited to buildings.

18 9. "Erect" means to construct, reconstruct, build,
19 raise, assemble, place, affix, attach, create, paint,
20 draw, or in any other way bring into being or establish;
21 however, it shall not include any of the foregoing
22 activities when performed incidental to the customary
23 maintenance of a sign.

24 10. "Maintain" means to cause to remain in a state
25 of good repair but does not include reconstruction.

PAGE 8

1 11. "Reconstruction" means any repair to the extent
2 of sixty percent or more of the replacement cost of
3 the structure, excluding buildings.

PAGE 8

4 12. "Visible" means capable of being read or
5 comprehended without visual aid by a person of normal
6 visual acuity.

7 13. "Adjacent area" means an area which is contiguous
8 to and within six hundred and sixty feet of the nearest
9 edge of the right-of-way of any interstate, freeway
10 primary, or primary highway.

11 14. "Right-of-way" means land area dedicated to
12 public use for the highway and its maintenance, and
13 includes land acquired in fee simple or by permanent
14 easement for highway purposes, but does not include
15 temporary easements or rights for supplementary highway
16 appurtenances.

17 15. "Information center" means a site, either with
18 or without structures or buildings, established and
19 maintained at a rest area for the purpose of providing
20 "information of specific interest to the traveling
21 public", as that phrase is defined in section eleven
22 (11), subsection five (5) of this Act.

23 16. "Rest area" means an area or site established
24 and maintained under authority of section three hundred
25 thirteen point sixty-seven (313.67) of the Code within

PAGE 9

1 the right-of-way of an interstate, freeway primary,
2 or primary highway under supervision and control of
3 the commission for the safety, recreation, and
4 convenience of the traveling public.

5 17. "Commercial or industrial zone" means those
6 areas zoned commercial or industrial under authority
7 of a law, regulation, or ordinance of this state, its
8 subdivisions, or a municipality.

9 18. "Commercial or industrial activities" means
10 those activities generally recognized as commercial
11 or industrial by zoning authorities in this state,
12 except that none of the following activities shall be
13 considered commercial or industrial:

14 a. Outdoor advertising structures.

15 b. Agricultural, forestry, grazing, farming, and
16 related activities, including, but not limited to,
17 wayside fresh produce.

18 c. Activities in operation less than three months
19 per year.

20 d. Activities conducted in a building principally
21 used as a residence.

22 e. Railroad tracks and minor spurs.

23 f. Activities outside of adjacent areas, as defined
24 by sections ten (10) through twenty-two (22), inclusive,
25 of this Act.

PAGE 10

- 1 g. Activities which have been used in defining and
- 2 delineating an unzoned area but which have since been
- 3 discontinued or abandoned.
- 4 h. Residential housing developments.
- 5 i. Mobile home parks.
- 6 j. Institutions of learning.
- 7 k. State, county and charitable institutions.
- 8 l. State and county conservation and recreation
- 9 areas, public parks, forests, playgrounds, or other
- 10 areas of historic interest or areas designated as scenic
- 11 beautification areas under section three hundred thirteen
- 12 point sixty-seven (313.67) of the Code.
- 13 19. "Unzoned commercial or industrial area" means
- 14 those areas not zoned by state or local law, regulation,
- 15 or ordinance, which are occupied by one or more
- 16 commercial or industrial activities, and the land along
- 17 the interstate, freeway primary, and primary highways
- 18 for a distance of seven hundred fifty feet immediately
- 19 adjacent to the activities. All measurements shall
- 20 be from the outer edge of the regularly used buildings,
- 21 parking lots, storage, or processing areas of the
- 22 activities and shall be parallel to the edge of pavement
- 23 of the highway. Measurements shall not be from the
- 24 property line of the activities unless that property
- 25 line coincides with the limits of the activities.

PAGE 11

- 1 Unzoned commercial or industrial areas shall not include
- 2 land on the opposite side of the highway from the
- 3 commercial or industrial activities.
- 4 Sec. 11. Subject to the provision made in section
- 5 twelve (12) of this Act regarding control of bonus
- 6 interstate highways, no advertising device shall be
- 7 erected or maintained within any adjacent area as defined
- 8 in section ten (10) of this Act, except the following:
- 9 1. Signs, displays, and devices advertising the
- 10 sale or lease of property upon which they are located.
- 11 2. Signs, displays, and devices advertising
- 12 activities conducted on the property on which they are
- 13 located. Such advertised activities shall not be
- 14 construed to mean activities which are merely ancillary
- 15 to the primary advertised activities; neither shall
- 16 the property upon which they are located be construed
- 17 to mean located upon any contiguous area having
- 18 inconsistent use, size, shape, or ownership.
- 19 3. Signs adjacent to such highways located in
- 20 commercial or industrial zones or in unzoned commercial
- 21 or industrial areas in compliance with the regulatory
- 22 standards of sections ten (10) through twenty-two (22),
- 23 inclusive, of this Act and rules and regulations
- 24 promulgated by the commission.
- 25 4. Signs upon or along such highways which are

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1 directional or other official traffic control devices
2 and notices which signs and notices shall include, but
3 not be limited to signs and notices pertaining to natural
4 wonders, scenic and historic attractions which are
5 required or authorized by law which shall conform with
6 rules and regulations promulgated by the commission,
7 provided that such rules shall be consistent with
8 national standards promulgated from time to time by
9 the appropriate authority of the federal government,
10 pursuant to Title twenty-three (23), section one hundred
11 thirty-one (131), paragraph c of the United States Code.
12 5. Signs, displays, and devices giving specific
13 information of interest to the traveling public, may
14 be erected and maintained within the right-of-way in
15 such areas, and at appropriate distances from
16 interchanges on the interstate system as shall conform
17 with the rules and regulations promulgated by the
18 commission. Such rules shall be consistent with national
19 standards promulgated from time to time by the
20 appropriate authority of the federal government pursuant
21 to Title twenty-three (23), section one hundred thirty-
22 one (131), paragraph f of the United States Code. For
23 purposes of sections ten (10) through twenty-two (22),
24 inclusive, of this Act, "specific information of interest
25 to the traveling public", means only information about

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1 public places for outdoor recreation, camping, lodging,
2 eating, and vehicle service and repair, including trade
3 names only if it identifies such places as such.
4 Sec. 12. The commission shall control the erection
5 and maintenance of signs authorized by section eleven
6 (11), subsection three (3) of this Act in accord with
7 the following criteria, except that in the case of bonus
8 interstate highways the commission shall maintain the
9 controls required under chapter three hundred six B
10 (306B) of the Code or the controls required by sections
11 ten (10) through twenty-two (22) of this Act, whichever
12 controls are stricter:
13 1. Interstate highway and freeway primary highways
14 signs shall not be erected or maintained in any place
15 where they are not obscured from the main-traveled way
16 of said highways and closer to another sign facing in
17 the same direction than five hundred feet outside of
18 cities and towns, and within two hundred fifty feet
19 if inside of cities and towns. A sign may not be located
20 within two hundred fifty feet of an interchange, or
21 rest area. The measurement shall be from the nearest
22 widening constructed for the purpose of acceleration
23 or deceleration of traffic movement to or from the main-
24 traveled way to the sign.
25 2. Signs adjacent to primary highways shall not

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1 be erected or maintained closer to another sign facing
2 in the same direction than one hundred feet if inside
3 the corporate limits of a municipality. No sign, other
4 than as excepted or permitted by subsection four (4),
5 five (5), or six (6) of this section, shall be located
6 within the triangular area formed by the line connecting
7 two points each fifty feet back from the point where
8 the street right-of-way lines of the main-traveled way
9 in the intersecting street meet, or would meet, if
10 extended.

11 3. Signs adjacent to primary highways shall not
12 be erected or maintained closer to another sign facing
13 in the same direction than three hundred feet if outside
14 the corporate limits of a municipality. No sign, other
15 than those excepted or permitted by subsections four
16 (4), five (5), or six (6) of this section, shall be
17 located within the triangular area formed by a line
18 connecting two points each one hundred feet back from
19 the point where the street right-of-way lines of the
20 main-traveled way and the intersecting street meet,
21 or would meet, if extended.

22 4. The distance spacing measurements fixed by
23 subsections two (2) and three (3) of this section shall
24 not apply to signs which are separated by a building
25 in such a manner that only one sign located within the

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1 minimum spacing distance is visible from the highway
2 at any one time.

3 5. Within a triangular area, as defined by
4 subsections two (2) and three (3) of this section,
5 occupied by a building or structure, no sign shall be
6 erected or maintained closer to the intersection than
7 the building or structure itself, except that a wall
8 sign may be attached to said building or structure not
9 to protrude more than twelve inches.

10 6. Official signs and signs advertising the sale
11 or lease of the property or activities conducted upon
12 the property as specified in Title twenty-three (23),
13 section one hundred thirty-one (131), paragraph c of
14 the United States Code, shall not be taken into
15 consideration in determining compliance with spacing
16 requirements.

17 7. The minimum distance between two signs facing
18 the same direction shall apply without regard to the
19 side of the highway on which the signs may be located
20 and shall be measured along the center line of the
21 highway between points directly opposite the signs.

22 8. Advertising devices shall not be erected,
23 maintained, or illuminated:

24 a. In a manner to obscure or otherwise physically
25 interfere with an official traffic sign, signal, or

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1 device, or to obstruct or physically interfere with
2 any driver's view of approaching, merging, or
3 intersecting traffic.

4 b. Unless effectively shielded to prevent light
5 from being directed at any portion of the traveled
6 highway with such intensity or brilliance as to cause
7 glare or to impair the vision of the driver of any motor
8 vehicle.

9 c. Which contain, include, or are illuminated by
10 any flashing, intermittent, or moving light or lights,
11 except those giving public service information such
12 as, but not limited to time, date, temperature, weather,
13 news and similar information.

14 d. Which imitate or resemble an official sign or
15 signal or device or which are erected or maintained
16 within or closer than three hundred feet from scenic
17 areas, as defined and determined by the commission,
18 or which are located or maintained upon trees, or painted
19 or drawn upon rocks or natural features, or which are
20 structurally unsafe or in substantial disrepair.

21 e. Which exceed one thousand two hundred square
22 feet in area or in the case of a back-to-back or V-type
23 sign seven hundred fifty square feet in area for each
24 of two facings, including border and trim but excluding
25 base or apron, support, and other structural members.

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1 f. Which do not comply with all applicable state
2 or local laws, regulations and ordinances, including
3 but not limited to zoning, building, and sign codes
4 as locally interpreted and applied and enforced, or
5 which violate chapter three hundred nineteen (319) of
6 the Code; however, nothing in sections ten (10) through
7 twenty-two (22), inclusive, of this Act shall prevent
8 or restrict county or local zoning authorities from
9 making a determination of customary use concerning size,
10 lighting, and spacing of signs in zoned commercial or
11 industrial adjacent areas, and such determinations will
12 be accepted in lieu of the standards of sections ten
13 (10) through twenty-two (22), inclusive, of this Act.
14 The provisions of sections ten (10) through twenty-two
15 (22), inclusive, of this Act shall not prevent or
16 restrict county or local zoning authorities within their
17 respective jurisdictions from establishing standards
18 imposing controls stricter than those required by
19 sections ten (10) through twenty-two (22), inclusive,
20 of this Act.

21 g. The standards contained in this section pertaining
22 to size, lighting, and spacing shall not apply to signs
23 erected or maintained within six hundred sixty feet
24 of the right-of-way of those portions of the interstate
25 highway system exempted from control under chapter three

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1 hundred six B (306B) of the Code by authority of section
2 three hundred six B point two (306B.2), subsection five
3 (5) of the Code, nor to signs erected and maintained
4 within adjacent areas along primary highways within
5 zoned and unzoned commercial and industrial areas,
6 unless said signs were erected subsequent to the
7 effective date of sections ten (10) through twenty-two
8 (22), inclusive, of this Act.

9 Sec. 13. Any sign lawfully in existence in an
10 adjacent area on the effective date of sections ten
11 (10) through twenty-two (22), inclusive, of this Act,
12 which does not conform with the provisions of sections
13 ten (10) through twenty-two (22), inclusive, of this
14 Act, shall be required to be brought into conformity
15 or removed within six years after the effective date
16 of sections ten (10) through twenty-two (22), inclusive,
17 of this Act. Any sign lawfully erected after the
18 effective date of sections ten (10) through twenty-two
19 (22), inclusive, of this Act which subsequently becomes
20 nonconforming, shall be required to be brought into
21 conformity or removed within five years after the date
22 the nonconformity occurs. However, no sign shall be
23 acquired or be required to be removed pursuant to
24 sections ten (10) through twenty-two (22), inclusive,
25 of this Act unless the commission has received

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1 notification from the federal government that the federal
2 share of "just compensation" to be paid is immediately
3 available to contribute to the cost of acquisition or
4 removal. This section shall not apply to the acquisition
5 or removal of signs for which no federal share is
6 payable.

7 Sec. 14. The commission shall acquire by purchase,
8 gift, or condemnation, and shall pay "just compensation"
9 upon the removal of any of the following signs which
10 are not in conformity with the provisions of sections
11 ten (10) through twenty-two (22), inclusive, of this
12 Act:

13 1. Signs lawfully in existence on the effective
14 date of sections ten (10) through twenty-two (22),
15 inclusive, of this Act.

16 2. Signs lawfully in existence on land adjoining
17 any highway made an interstate, freeway primary, or
18 primary highways after the effective date of sections
19 ten (10) through twenty-two (22), inclusive, of this
20 Act.

21 3. Signs lawfully erected on or after the effective
22 date of sections ten (10) through twenty-two (22),
23 inclusive, of this Act, but which subsequently become
24 nonconforming.

25 4. Any sign erected on the mistaken or negligent

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1 advice of any official or employee of the state of Iowa
2 as to the interpretation, effect, or operation of
3 sections ten (10) through twenty-two (22), inclusive,
4 of this Act, chapter three hundred six B (306B) of the
5 Code, or rules and regulations promulgated by the
6 commission.

7 Sec. 15. Compensation required by section fourteen
8 (14) of this Act shall be paid for the following:

9 1. The taking from the owner of such sign, display,
10 or device of all right, title, leasehold, and interest
11 in such sign, display or device.

12 2. The taking from the owner of real property on
13 which a sign, display, or device is located, of the
14 right to erect and maintain such signs, displays, and
15 devices upon that real property.

16 Sec. 16. The provisions of chapters four hundred
17 seventy-one (471) and four hundred seventy-two (472)
18 of the Code shall be applicable to any such condemnation
19 commenced pursuant to sections ten (10) through twenty-
20 two (22), inclusive, of this Act, and the commission
21 may take immediate possession of and remove such signs
22 under the procedures of section four hundred seventy-
23 two point twenty-five (472.25) of the Code.

24 Sec. 17. On every sign regulated by the provisions
25 of sections ten (10) through twenty-two (22), inclusive,

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1 of this Act, or on the structure on which the sign is
2 displayed, shall be affixed the name and address of
3 the owner of the display and the date of its erection.
4 However, if the address of the owner is on file with
5 the commission it need not be stated on the display.
6 No sign permitted by section twelve (12) of this Act
7 may be erected without first obtaining a permit from
8 the commission. The application for a permit shall
9 be on a form provided by the commission and shall contain
10 such information as the commission may deem necessary.
11 Upon receipt of an application containing all required
12 information in due form and properly executed, together
13 with a permit fee as provided in this section, the
14 commission shall issue a permit to the applicant for
15 the erection of the sign if the sign will not violate
16 any provision of sections ten (10) through twenty-two
17 (22), inclusive, of this Act, or of chapter three hundred
18 six B (306B) of the Code, or any rule or regulation
19 promulgated by the commission.

20 The annual fee for a permit shall be:

21 1. Two dollars, if the advertising area of the
22 advertising device does not exceed fifty square feet.

23 2. Five dollars, if the advertising area of the
24 advertising device exceeds fifty square feet, but does
25 not exceed three hundred square feet.

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1 3. Ten dollars, if the advertising area of the
2 advertising device exceeds three hundred square feet.
3 Sec. 18. Any sign erected in an adjacent area after
4 the effective date of sections ten (10) through twenty-
5 two (22), inclusive, of this Act, in violation of
6 sections ten (10) through twenty-two (22), inclusive,
7 of this Act, or any sign erected in violation of chapter
8 three hundred six B (306B) of the Code, or the rules
9 and regulations promulgated by the commission, is a
10 public nuisance and may be removed by the commission
11 upon thirty days' notice, by certified mail, to the
12 owner of the device and to the owner of the land on
13 which the sign is located. The notice shall require
14 such owners to remove the sign if it is prohibited, or
15 to cause it to conform to sections ten (10) through
16 twenty-two (22), inclusive, of this Act or rules and
17 regulations promulgated by the commission if it is not
18 prohibited.
19 1. If the landowner or owner of the sign fails to
20 act within thirty days as required in the notice, the
21 commission may enter upon the land and remove the sign.
22 Such entry after notice, shall not be deemed a trespass
23 and the commission may be aided by injunction to abate
24 the nuisance and to insure peaceful entry.
25 2. The cost of removal, including any fees and costs

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1 or expenses as may arise out of any action brought by
2 the commission to insure peaceful entry and removal,
3 shall be assessed against the owner of the sign. Should
4 the owner of the sign fail to promptly pay such fees,
5 costs, or expenses, the commission shall proceed to
6 advertise and sell the sign for purposes of collecting
7 the same. Any balance from the total receipts of the
8 sale after deducting all fees, costs, and expenses,
9 including those of the sale, shall be paid to the owner
10 of the sign; however, if in the opinion of the commission
11 the proceeds of the sale will not be sufficient to
12 justify the expense involved, the sign may be used,
13 scrapped, dismantled, or otherwise destroyed or dis-
14 posed of by the commission as it sees fit.
15 Sec. 19. Whoever erects a sign in violation of
16 sections ten (10) through twenty-two (22), inclusive,
17 of this Act or chapter three hundred six B (306B) of
18 the Code or the rules and regulations promulgated by
19 the commission shall be guilty of a misdemeanor and
20 upon conviction be fined not less than twenty-five
21 dollars nor more than one hundred dollars.
22 Sec. 20. The commission shall enter into agreements
23 with the duly constituted federal authorities in order
24 to secure for the state all bonus federal funds allotted
25 and appropriations to the state and to avoid loss or

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1 reduction, under Title twenty-three (23), section one
2 hundred thirty-one (131), of the United States Code,
3 of federal aid funds apportioned or to be apportioned
4 to the state under Title twenty-three (23), section
5 one hundred four (104) of the United States Code. The
6 commission may accept funds from whatever source,
7 including any allotment of funds by the United States,
8 or any of its departments or agencies, appropriated
9 to carry out the purposes of Title twenty-three (23),
10 section one hundred thirty-one (131) of the United
11 States Code. The commission shall take such steps as
12 may be necessary to obtain from the United States or
13 any of its departments or agencies, funds allotted and
14 appropriated for the purpose of paying the federal share
15 of just compensation to be paid to sign owners and
16 owners of the real property under the terms of this
17 Act and Title twenty-three (23), section one hundred
18 thirty-one (131), paragraph g of the United States Code.

19 Sec. 21. The commission may establish or enter into
20 agreements with private persons, firms, or corporations
21 for the establishment of information centers in rest
22 areas on the interstate, freeway primary, and primary
23 highways, subject to the approval of the appropriate
24 authority of the federal government.

25 Sec. 22. Section three hundred six B point five

PAGE 25

1 (306B.5), Code 1971, is amended to read as follows:

2 306B.5 NUISANCE DECLARED. Any advertising device
3 erected adjacent to any interstate system after May
4 21, 1965, which violates the provisions of this chapter
5 or fails to comply with the rules and regulations
6 promulgated by the state highway commission is a public
7 nuisance. The state highway commission shall give
8 thirty day's notice, by certified mail, to the owner
9 of the device and to the owner of the land on which
10 said device is located to remove such advertising device
11 if it is a prohibited device or cause it to conform
12 to rules and regulations if it is an authorized device.
13 ~~If the landowner or owner of the device fails to act~~
14 ~~within thirty days as required in the notice, the state~~
15 ~~highway commission may file a petition in the district~~
16 ~~court of the county where such advertising device is~~
17 ~~located to abate the nuisance. If the court finds that~~
18 ~~a violation exists as alleged in the petition, the court~~
19 ~~shall enter an order of abatement against the person~~
20 ~~or persons erecting or maintaining such advertising~~
21 ~~device and against the person or persons owning the~~
22 ~~land on which such advertising device is located. If~~
23 the landowner or owner of the sign fails to act within
24 thirty days as required in the notice, the state highway
25 commission may enter upon the land and remove the sign.

1 Such entry after notice, shall not be deemed a trespass
2 and the commission may be aided by injunction to abate
3 the nuisance and to insure peaceful entry. The cost
4 of removal, including any fees and costs or expenses
5 as may arise out of any action brought by the commission
6 to insure peaceful entry and removal, shall be assessed
7 against the owner of the sign. Should the owner of
8 the sign fail to promptly pay such fees, costs or
9 expenses, the commission shall proceed to advertise
10 and sell the sign for purposes of collecting the same.
11 Any balance from the total receipts of the sale after
12 deducting the fees, costs and expenses, including those
13 of the sale, shall be paid to the owner of the sign;
14 however, if in the opinion of the commission, the
15 proceeds of the sale will not be sufficient to justify
16 the expense involved, the sign may be used, scrapped,
17 dismantled, or otherwise destroyed or disposed of by
18 the commission as it sees fit.

19 4. Page 1, lines 1 and 2, by striking everything
20 after the word "to" and inserting in lieu thereof the
21 words "the state's compliance with the federal Highway
22 Beautification Act regarding junkyard and billboard
23 standards, and providing penalties."

Filed - *Adopted as amended 1/25/72 (1972)* By COMMITTEE ON TRANSPORTATION
January 21, 1972

EXPLANATION OF AMENDMENT

This amendment combines the Iowa Junkyard Beautification Act and the Iowa Highway Advertising Control Act as they are both designed to avoid a reduction in federal aid highway funds, which would be equal to ten percent of the funds otherwise apportioned to the state after 1968 under Sections 104, 131, and 136 of Title 23, U.S.C., amounting to approximately six million dollars per annum. The amendment has an additional purpose of qualifying the state for federal aid highway funds apportioned to the state, by providing for effective control of junkyards and billboards along the interstate and primary highway systems.

The amendment conforms to the minimum standards required by Sections 136 and 131 of Title 23, U.S.C. and would have application to all junkyards located within 1,000 feet and billboards within 660 feet of the highway right-of-way and visible from the highway.

This amendment applies to outdoor advertising on all federal aid primary highways, whereas the existing provisions of Chapter 306B of the Code apply only to the interstate highway system.

Generally, only three types of signs are permitted: 1) those located in zoned or unzoned commercial or industrial areas, in which size, lighting, and spacing requirements are those which were agreed to by the May 29, 1968 Agreement, or by "customary use" which may be determined by space, county or local zoning in lieu

Senate 15
, January 24, 1972

of the controls established by the Agreement, (1968 Amendment);
2) directional or other official signs; 3) on premise signs (which
are not subject to any control under the Act).

HOUSE FILE 734

1 Amend House File 734 as follows:

2 1. Page 1, line 3, by striking the word "This" and
3 inserting in lieu thereof the words "Sections one (1)
4 through nine (9), inclusive, of this ".

5 2. Page 1, by adding after line 12 the following
6 new paragraph:

7 It is also declared that it is necessary to construct,
8 maintain, and supervise federal aid interstate and
9 primary highways so as to control and regulate the
10 erection and maintenance of outdoor advertising
11 thereupon, and on lands adjacent thereto, in order to
12 protect the public investment in such highways, and
13 to promote the safety and recreational value of public
14 travel, to preserve natural beauty and consistent
15 therewith to regulate the display of outdoor advertising,
16 and to comply with the provisions of Title twenty-three
17 (23), section one hundred thirty-one (131) of the United
18 States Code and the federal standards promulgated
19 pursuant to such provisions.

20 3. Page 2, line 1, by inserting after the word
21 "DEFINITINNS." the words "For the purposes of sections
22 one (1) through nine (9), inclusive, of this Act, unless
23 the context otherwise requires:".

24 4. Page 4, line 7, by inserting after the word
25 "requirements" the words "of section one (1) through

PAGE 2

1 nine (9), inclusive,".

2 5. Page 4, line 11, by inserting after the word
3 "provisions" the words "of sections one (1) through
4 nine (9), inclusive,".

5 6. Page 4, line 12, by inserting after the word
6 "to" the words "sections one (1) through nine (9),
7 inclusive, of".

8 7. Page 4, line 16, by inserting after the word
9 "provisions" the words "of sections one (1) through
10 nine (9), inclusive,".

11 8. Page 4, line 24, by inserting after the word
12 "in" the words "sections one (1) through nine (9),
13 inclusive, of".

14 9. Page 4, by adding after line 29 the following
15 new sections:

16 Sec. 10. Sections ten (10) through twenty-three
17 (23), inclusive, of this Act shall be known and may
18 be cited as the "Iowa Highway Advertising Control Act".

19 Section 11. For the purposes of sections ten (10)
20 through twenty-three (23), inclusive, of this Act,
21 unless the context otherwise requires:

Senate 11
June 18, 1971

22 1. "Just compensation" means payment for the removal
23 of existing advertising devices prohibited by sections
24 ten (10) through twenty-three (23), inclusive, of this
25 Act, without regard to whether or not they may have

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1 been otherwise removable pursuant to the police power
2 without compensation. "Just compensation" shall have
3 no relation to, nor be dependent upon traffic flow or
4 frequency, or proximity to or visibility from the public
5 highways, and shall be determined with full consideration
6 of the duty of sign and property owners to mitigate
7 damages due to the taking or removal of existing adver-
8 tising devices, or restrictions imposed against erection
9 and maintenance of such devices by sections ten (1)
10 through twenty-three (23), inclusive, of this Act.
11 This definition is solely for the purpose of compliance
12 with Title twenty-three (23), section one hundred thirty-
13 one (131), paragraph (G) of the United States Code.

14 2. "Commission" means the state highway commission
15 of the state of Iowa.

16 3. "Interstate highway" includes "interstate road"
17 and "interstate system" and means any highway of the
18 primary system at any time officially designated as
19 a part of the national system of interstate and defense
20 highways by the commission and approved by the
21 appropriate authority of the federal government.

22 4. "Bonus interstate highways" includes all
23 interstate highways except those interstate highways
24 adjacent to areas excepted from control under chapter
25 three hundred six B (306B) by authority of section three

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1 hundred six B point two (306B.2), subsection five (5)
2 of the Code.

3 5. "Primary highways" includes the federal aid
4 primary system and means that portion of the connected
5 main highways as officially designated, or as may
6 hereafter be so designated, by the commission and
7 approved by the appropriate authority of the federal
8 government.

9 6. "Freeway primary highway" means those primary
10 highways which have been constructed as a fully
11 controlled access facility with no access to the facility
12 except at established interchanges.

13 7. "Main traveled way" means the portion of the
14 roadway for movement of vehicles on which through traffic
15 is carried exclusive of shoulders and auxiliary lanes.
16 In the case of a divided highway, the main traveled
17 way includes each of the separated roadways for traffic

18 in opposite directions, exclusive of frontage roads,
19 turning roadways, or parking areas.
20 8. "Advertising device" includes any outdoor sign,
21 display, device, figure, painting, drawing, message,
22 placard, poster, billboard, or any other device designed,
23 intended, or used to advertise or give information in
24 the nature of advertising, and having the capacity of
25 being visible from the traveled portion of any interstate

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1 or primary highway.
2 9. "Structure" means any sign supporting device
3 including but not limited to buildings.
4 10. "Erect" means to construct, reconstruct, build,
5 raise, assemble, place, affix, attach, create, paint,
6 draw, or in any other way bring into being or establish;
7 however, it shall not include any of the foregoing
8 activities when performed incidental to the customary
9 maintenance of a sign.
10 11. "Maintain" means to cause to remain in a state
11 of good repair but does not include reconstruction.
12 12. "Reconstruction" means any repair to the extent
13 of sixty percent or more of the replacement cost of
14 the structure, excluding buildings.
15 13. "Visible" means capable of being read or
16 comprehended without visual aid by a person of normal
17 visual acuity.
18 14. "Adjacent area" means an area which is contiguous
19 to and within six hundred and sixty feet of the nearest
20 edge of the right-of-way of any interstate, freeway
21 primary, or primary highway.
22 15. "Right-of-way" means land area dedicated to
23 public use for the highway and its maintenance, and
24 includes land acquired in fee simple or by permanent
25 easement for highway purposes, but does not include

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1 temporary easements or rights for supplementary highway
2 appurtenances.
3 16. "Information center" means a site, either with
4 or without structures or buildings, established and
5 maintained at a rest area for the purpose of providing
6 "information of specific interest to the traveling
7 public", as that phrase is defined in section twelve
8 (12), subsection five (5) of this Act.
9 17. "Rest area" means an area or site established
10 and maintained under authority of section three hundred
11 thirteen point sixty-seven (313.67) of the Code within
12 the right-of-way of an interstate, freeway primary,
13 or primary highway under supervision and control of

14 the commission for the safety, recreation, and
15 convenience of the traveling public.
16 18. "Commercial or industrial zone" means those
17 areas zoned commercial or industrial under authority
18 of any law, regulation, or ordinance of this state or
19 its subdivisions.

20 19. "Commercial or industrial activities" means
21 those activities generally recognized as commercial
22 or industrial by zoning authorities in this state,
23 except that none of the following activities shall be
24 considered commercial or industrial:

25 a. Outdoor advertising structures.

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1 b. Agricultural, forestry, grazing, farming, and
2 related activities, including, but not limited to,
3 wayside fresh produce.

4 c. Activities in operation less than three months
5 per year.

6 d. Activities conducted in a building principally
7 used as a residence.

8 3. Railroad tracks and minor spurs.

9 f. Activities outside of adjacent areas, as defined
10 by this Act.

11 g. Activities which have been used in defining and
12 delineating an unzoned area but which have since been
13 discontinued or abandoned.

14 h. Residential housing developments.

15 i. Mobile home parks.

16 j. Institutions of learning.

17 k. State, county and charitable institutions.

18 l. State and county conservation and recreation
19 areas, public parks, forests, playgrounds, or other
20 areas of historic interest or areas designated as scenic
21 beautification areas under section three hundred thirteen
22 point sixty-seven (313.67) of the Code.

23 20. "Unzoned commercial or industrial area" means
24 those areas not zoned by state or local law, regulation,
25 or ordinance, which are occupied by one or more

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1 commercial or industrial activities, and the land along
2 the interstate, freeway primary, and primary highways
3 for a distance of seven hundred fifty feet immediately
4 adjacent to the activities. All measurements shall
5 be from the outer edge of the regularly used buildings,
6 parking lots, storage, or processing areas of the
7 activities and shall be parallel to the edge of pavement
8 of the highway. Measurements shall not be from the
9 property line of the activities unless that property

10 line coincides with the limits of the activities.
11 Unzoned commercial or industrial areas shall not include
12 land on the opposite side of the highway from the
13 commercial or industrial activities.
14 Sec. 12. Subject to the provision made in section
15 thirteen (13) of this Act regarding control of bonus
16 interstate highways, no advertising device shall be
17 erected or maintained within any adjacent area as defined
18 in section eleven (11) of this Act, except the following:
19 1. Signs, displays, and devices advertising the
20 sale or lease of property upon which they are located.
21 2. Signs, displays, and devices advertising
22 activities conducted on the property on which they are
23 located. Such advertised activities shall not be
24 construed to mean activities which are merely ancillary
25 to the primary advertised activities; neither shall

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1 the property upon which they are located be construed
2 to mean located upon any contiguous area having
3 inconsistent use, size, shape, or ownership.
4 3. Signs adjacent to such highways located in
5 commercial or industrial zones or in unzoned commercial
6 or industrial areas in compliance with the regulatory
7 standards of sections ten (10) through twenty-three
8 (23), inclusive, of this Act and rules and regulations
9 promulgated by the commission.
10 4. Signs upon or along such highways which are
11 directional or other official traffic control devices
12 and notices which signs and notices shall include, but
13 not be limited to signs and notices pertaining to natural
14 wonders, scenic and historic attractions which are
15 required or authorized by law which shall conform with
16 rules and regulations promulgated by the commission,
17 provided that such rules shall be consistent with na-
18 tional standards promulgated from time to time by the
19 appropriate authority of the federal government, pursuant
20 to Title twenty-three (23), section one hundred thirty-
21 one (131), paragraph (c) of the United States Code.
22 5. Signs, displays, and devices giving specific
23 information of interest to the traveling public, may
24 be erected and maintained within the right-of-way in
25 such areas, and at appropriate distances from

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1 interchanges on the interstate system as shall conform
2 with the rules and regulations promulgated by the
3 commission. Such rules shall be consistent with national
4 standards promulgated from time to time by the ap-
5 propriate authority of the federal government pursuant

6 to Title twenty-three (23), section one hundred thirty-
7 one (131), paragraph (f) of the United States Code.
8 For purposes of sections ten (10) through twenty-three
9 (23), inclusive, of this Act, "specific information
10 of interest to the traveling public", means only
11 information about public places for outdoor recreation,
12 camping, lodging, eating, and vehicle service and repair,
13 including trade names only if it identifies such places
14 as such.

15 Sec. 13. The commission shall control the erection
16 and maintenance of signs authorized by section twelve
17 (12), subsection three (3) of this Act in accord with
18 the following criteria, except that in the case of bonus
19 interstate highways the commission shall maintain the
20 controls required under chapter three hundred six B
21 (306B) of the Code or the controls required by this
22 Act, whichever controls are stricter:

23 1. Interstate highway and freeway primary highways
24 signs shall not be erected or maintained in any place
25 where they are visible from the main traveled way of

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1 said highways and closer to another sign facing in the
2 same direction than five hundred feet outside of cities
3 and towns, and within two hundred fifty feet if inside
4 of cities and towns. No sign may be located within
5 two hundred fifty feet of an interchange, or rest area.
6 The measurement shall be from the nearest widening
7 constructed for the purpose of acceleration or de-
8 celeration of traffic movement to or from the main
9 traveled way to the sign.

10 2. Signs adjacent to primary highways shall not
11 be erected or maintained closer to another sign facing
12 in the same direction than one hundred feet if inside
13 the corporate limits of a municipality. No sign, other
14 than as excepted or permitted by subsection four (4),
15 five (5), or six (6) of this section, shall be located
16 within the triangular area formed by the line connecting
17 two points each fifty feet back from the point where
18 the street right-of-way lines of the main traveled way
19 in the intersecting street meet or would meet if
20 extended.

21 3. Signs adjacent to primary highways shall not
22 be erected or maintained closer to another sign facing
23 in the same direction than three hundred feet if outside
24 the corporate limits of a municipality. No sign, other
25 than those excepted or permitted by subsection four

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1 (4), five (5), or six (6) of this section, shall be

2 located within the triangular area formed by a line
3 connecting two points each one hundred feet back from
4 the point where the street right-of-way lines of the
5 main traveled way and the intersecting street meet,
6 or would meet if extended.

7 4. The distance spacing measurements fixed by
8 subsections two (2) and three (3) of this section shall
9 not apply to signs which are separated by a building
10 in such a manner that only one sign located within the
11 minimum spacing distance is visible from the highway
12 at any one time.

13 5. Within a triangular area, as defined by
14 subsections two (2) and three (3) of this section,
15 occupied by a building or structure, no sign shall be
16 erected or maintained closer to the intersection than
17 the building or structure itself.

18 6. Official signs and signs advertising the sale
19 or lease of the property or activities conducted upon
20 the property as specified in Title twenty-three (23),
21 section one hundred thirty-one (131), paragraph (c)
22 of the United States Code, shall not be taken into
23 consideration in determining compliance with spacing
24 requirements.

25 7. The minimum distance between two signs facing

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1 the same direction shall apply without regard to the
2 side of the highway on which the signs may be located
3 and shall be measured along the center line of the
4 highway between points directly opposite the signs.

5 8. Advertising devices shall not be erected,
6 maintained, or illuminated:

7 a. In a manner to obscure or otherwise physically
8 interfere with an official traffic sign, signal, or
9 device, or to obstruct or physically interfere with
10 any driver's view of approaching, merging, or
11 intersecting traffic.

12 b. Unless effectively shielded to prevent light
13 from being directed at any portion of the traveled
14 highway with such intensity or brilliance as to cause
15 glare or to impair the vision of the driver of any motor
16 vehicle.

17 c. Which contain, include, or are illuminated by
18 any flashing, intermittent, or moving light or lights,
19 except those giving public service information such
20 as, but not limited to time, date, temperature, weather,
21 news and similar information.

22 d. Which imitate or resemble an official sign or

23 signal or device or which are erected or maintained
24 within or closer than three hundred feet from scenic
25 areas, as defined and determined by the commission,

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1 or which are located or maintained upon trees, or painted
2 or drawn upon rocks or natural features, or which are
3 structurally unsafe or in substantial disrepair.
4 e. Which exceed one thousand two hundred square
5 feet in area or in the case of a back-to-back or V-type
6 sign seven hundred fifty square feet in area for each
7 of two facings, including border and trim but excluding
8 base or apron, support, and other structural members.
9 f. Which do not comply with all applicable state
10 or local laws, regulations, and ordinances, including
11 but not limited to zoning, building, and sign codes
12 as locally interpreted and applied and enforced, or
13 which violate chapter three hundred nineteen (319) of
14 the Code; however, nothing in sections ten (10) through
15 twenty-three (23), inclusive, of this Act shall prevent
16 or restrict county or local zoning authorities from
17 making a determination of customary use concerning size,
18 lighting, and spacing of signs in zoned commercial or
19 industrial adjacent areas, and such determinations will
20 be accepted in lieu of the standards of sections ten
21 (10) through twenty-three (23), inclusive, of this Act.
22 Nor shall anything in sections ten (10) through twenty-
23 three (23), inclusive, of this Act prevent or restrict
24 county or local zoning authorities within their
25 respective jurisdictions from establishing standards

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1 imposing controls stricter than those required by
2 sections ten (10) through twenty-three (23), inclusive,
3 of this Act.
4 g. Notwithstanding paragraph f of this subsection,
5 the standards contained in this section pertaining to
6 size, lighting, and spacing, or signs erected or
7 maintained within six hundred sixty feet of the right-
8 of-way of those portions of the interstate highway
9 system exempted from control under chapter three hundred
10 six B (306B) by authority of section three hundred six
11 B point two (306B.2), subsection five (5) of the Code,
12 and signs erected and maintained within adjacent areas
13 along primary highways within zoned and unzoned
14 commercial and industrial areas, shall apply only to
15 those signs erected subsequent to the effective date
16 of sections ten (10) through twenty-three (23),
17 inclusive, of this Act.
18 Sec. 14. Any sign lawfully in existence in an

19 adjacent area on the effective date of sections ten
20 (10) through twenty-three (23), inclusive, of this Act,
21 which does not conform with the provisions of sections
22 ten (10) through twenty-three (23), inclusive, of this
23 Act, shall be required to be brought into conformity
24 or removed within five years after the effective date
25 of sections ten (10) through twenty-three (23),

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1 inclusive, of this Act. Any sign lawfully erected after
2 the effective date of sections ten (10) through twenty-
3 three (23), inclusive, of this Act which subsequently
4 becomes nonconforming, shall be required to be brought
5 into conformity or removed within five years after the
6 date the nonconformity occurs. However, no sign shall
7 be acquired or be required to be removed pursuant to
8 sections ten (10) through twenty-three (23), inclusive,
9 of this Act unless the commission has received
10 notification from the federal government that the federal
11 share of "just compensation" to be paid is immediately
12 available to contribute to the cost of acquisition or
13 removal. This section shall not apply to the acquisition
14 or removal of signs for which no federal share is
15 payable.

16 Sec. 15. The commission shall acquire by purchase,
17 gift, or condemnation, and shall pay "just compensation"
18 upon the removal of any of the following signs which
19 are not in conformity with the provisions of sections
20 ten (10) through twenty-three (23), inclusive, of this
21 Act:

- 22 1. Signs lawfully in existence on the effective
23 date of sections ten (10) through twenty-three (23),
24 inclusive, of this Act.
- 25 2. Signs lawfully in existence on land adjoining

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1 any highway made an interstate, freeway primary, or
2 primary highways after the effective date of sections
3 ten (10) through twenty-three (23), inclusive, of this
4 Act.

5 3. Signs lawfully erected on or after the effective
6 date of sections ten (10) through twenty-three (23),
7 inclusive, of this Act, but which subsequently become
8 nonconforming.

9 4. Any sign lawfully erected on the mistaken or
10 negligent advice of any official or employee of the
11 state of Iowa as to the interpretation, effect, or
12 operation of sections ten (10) through twenty-three
13 (23), inclusive, of this Act, chapter three hundred
14 six B (306B) of the Code, or rules and regulations

15 promulgated by the commission.

16 Sec. 16. Compensation required by section fifteen
17 (15) of this Act shall be paid for the following:

18 1. The taking from the owner of all right, title,
19 leasehold, and interest in a nonconforming sign, display
20 or device.

21 2. The taking from the owner of real property on
22 which a nonconforming sign, display, or device is
23 located, of the right to erect and maintain such signs,
24 displays, and devices upon that real property.

25 Sec. 17. The provisions of chapter four hundred

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1 seventy-one (471) and four hundred seventy-two (472)
2 of the Code shall be applicable to any such condemnation
3 commenced pursuant to sections ten (10) through twenty-
4 three (23), inclusive, of this Act, and the commission
5 may take immediate possession of and remove such signs
6 under the procedures of section four hundred seventy-
7 two point twenty-five (472.25) of the Code.

8 Sec. 18. On every sign regulated by the provisions
9 of sections ten (10) through twenty-three (23),
10 inclusive, of this Act, or on the structure on which
11 the sign is displayed, shall be affixed the name and
12 address of the owner of the display and the date of
13 its erection. However, if the address of the owner
14 is on file with the commission it need not be stated
15 on the display. No sign permitted by section thirteen
16 (13) of this Act may be erected without first obtaining
17 a permit from the commission. The application for a
18 permit shall be on a form provided by the commission
19 and shall contain such information as the commission
20 may deem necessary. Upon receipt of an application
21 containing all required information in due form and
22 properly executed, together with a permit fee of five
23 dollars, the commission shall issue a permit to the
24 applicant for the erection of the sign, if the sign
25 will not violate any provision of sections ten (10)

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1 through twenty-three (23), inclusive, of this Act, or
2 of chapter three hundred six B (306B) of the Code, or
3 any rule or regulation promulgated by the commission.

4 Sec. 19. Any sign erected in an adjacent area after
5 the effective date of sections ten (10) through twenty-
6 three (23), inclusive, of this Act, in violation of
7 sections ten (10) through twenty-three (23), inclusive,
8 of this Act, or any sign erected in violation of chapter
9 three hundred six B (306B) of the Code, or the rules
10 and regulations promulgated by the commission, is a

11 public nuisance and may be removed by the commission
12 upon thirty days' notice, by certified mail, to the
13 owner of the device and to the owner of the land on
14 which the sign is located, which shall notify such
15 owners to remove the sign if it is prohibited or to
16 cause it to conform to sections ten (10) through twenty-
17 three (23), inclusive, of this Act or rules and
18 regulations promulgated by the commission if it is not
19 prohibited.

20 1. If the landowner or owner of the sign fails to
21 act within thirty days as required in the notice, the
22 commission may enter upon the land and remove the sign.
23 Such entry after notice, shall not be deemed a trespass
24 and the commission may be aided by injunction to abate
25 the nuisance and to insure peaceful entry.

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1 2. The cost of removal, including any fees and costs
2 or expenses as may arise out of any action brought by
3 the commission to insure peaceful entry and removal,
4 shall be assessed against the owner of the sign. Should
5 the owner of the sign fail to promptly pay such fees,
6 costs, or expenses, the commission shall proceed to
7 advertise and sell the sign for purposes of collecting
8 the same. Any balance from the total receipts of the
9 sale after deducting all fees, costs, and expenses,
10 including those of the sale, shall be paid to the owner
11 of the sign; however, if in the opinion of the commis-
12 sion, the proceeds of the sale will not be sufficient
13 to justify the expense involved, the sign may be used,
14 scrapped, dismantled, or otherwise destroyed or disposed
15 of by the commission as it sees fit.

16 Sec. 20. Whoever erects a sign in violation of
17 sections ten (10) through twenty-three (23), inclusive,
18 of this Act or chapter three hundred six B (306B) of
19 the Code or the rules and regulations promulgated by
20 the commission shall be guilty of a misdemeanor and
21 upon conviction be fined not less than twenty-five
22 dollars nor more than one hundred dollars.

23 Sec. 21. The commission shall enter into agreements
24 with the duly constituted federal authorities in order
25 to secure for the state all bonus federal funds allotted

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1 and appropriations to the state and to avoid loss or
2 reduction, under Title twenty-three (23), section one
3 hundred thirty-one (131), of the United States Code,
4 of federal aid funds apportioned or to be apportioned
5 to the state under Title twenty-three (23), section
6 one hundred four (104) of the United States Code. The

7 commission may accept funds from whatever source, includ-
8 ing any allotment of funds by the United States, or
9 any of its departments or agencies, appropriated to
10 carry out the purposes of Title twenty-three (23),
11 section one hundred thirty-one (131) of the United
12 States Code. The commission shall take such steps as
13 may be necessary to obtain from the United States or
14 any of its departments or agencies, funds allotted and
15 appropriated for the purpose of paying the federal share
16 of just compensation to be paid to sign owners and
17 owners of the real property under the terms of this
18 Act and Title twenty-three (23), section one hundred
19 thirty-one (131), paragraph (g) of the United States
20 Code.

21 Sec. 22. The commission may establish or enter into
22 agreements with private persons, firms, or corporations
23 for the establishment of information centers in rest
24 areas on the interstate, freeway primary, and primary
25 highways, subject to the approval of the appropriate

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1 authority of the federal government.

2 Sec. 23. Section three hundred six B point five
3 (306B.5), Code 1971, is amended as follows:

4 306B.5 NUISANCE DECLARED. Any advertising device
5 erected adjacent to any interstate system after May
6 21, 1965, which violates the provisions of this chapter
7 or fails to comply with the rules and regulations
8 promulgated by the state highway commission is a public
9 nuisance. The state highway commission shall give
10 thirty days' notice, by certified mail, to the owner
11 of the device and to the owner of the land on which
12 said device is located to remove such advertising de-
13 vice if it is a prohibited device or cause it to conform
14 to rules and regulations if it is an authorized device.
15 ~~If the landowner or owner of the device fails to act~~
16 ~~within thirty days as required in the notice, the state~~
17 ~~highway commission may file a petition in the district~~
18 ~~court of the county where such advertising device is~~
19 ~~located to abate the nuisance. If the court finds that~~
20 ~~a violation exists as alleged in the petition, the court~~
21 ~~shall enter an order of abatement against the person~~
22 ~~or persons erecting or maintaining such advertising~~
23 ~~device and against the person or persons owning the~~
24 ~~land on which such advertising device is located. If~~
25 the landowner or owner of the sign fails to act within

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1 thirty days as required in the notice, the commission
2 may enter upon the land and remove the sign. Such entry

Senate 22
June 18, 1971

3 after notice, shall not be deemed a trespass and the
4 commission may be aided by injunction to abate the
5 nuisance and to insure peaceful entry. The cost of
6 removal, including any fees and costs or expenses as
7 may arise out of any action brought by the commission
8 to insure peaceful entry and removal, shall be assessed
9 against the owner of the sign. Should the owner of
10 the sign fail to promptly pay such fees, costs or
11 expenses, the commission shall proceed to advertise
12 and sell the sign for purposes of collecting the same.
13 Any balance from the total receipts of the sale after
14 deducting the fees, costs and expenses, including those
15 of the sale, shall be paid to the owner of the sign;
16 however, if in the opinion of the commission, the
17 proceeds of the sale will not however be sufficient
18 to justify the expense involved, the sign may be used,
19 scrapped, dismantled, or otherwise destroyed or dis-
20 posed of by the commission as it sees fit.
21 10. Amend the title, page 1, line 1, by adding after
22 the word "junkyards" the words "and outdoor advertising".

Filed - *Withdrawn 1/25/72*
June 17, 1971

By WALSH and DeKOSTER

1 Amend House File 734 as follows:
2 1. Page 2, line 8, by inserting after the word
3 "used" the word "primarily".
4 2. Page 2, lines 28 and 29, by striking the words
5 "rendering them invisible" and inserting in lieu there-
6 of the words "obscuring them from view".
7 3. Page 2, line 34, by inserting after the word
8 "commission" the words "under the provisions of chapter
9 seventeen A (17A) of the Code".
10 4. Page 3, line 16, by inserting before the figure
11 "4." the word "Sec."
12 5. Page 3, line 17, by inserting after the word
13 "regulations" the words "pursuant to chapter seventeen
14 A (17A) of the Code".

Filed - *Withdrawn 1/25/72*
June 17, 1971

By WALSH
DE KOSTER

Senate 11
February 3, 1972

HOUSE FILE 734
FISCAL NOTE
SENATE

Date Prepared: February 1, 1972

Requested by: Senator Earl Bass

Prepared in regard to H.F. 734, an Act relating to junkyards along interstate and federal aid primary highways. A. SHORT TITLE. This Act may be cited as "Iowa Junkyard Beautification Act." Following is the fiscal effect in dollars of the legislative proposal as required by Senate Rule 31.

The Highway Commission has not taken a current inventory of the number of signs and junkyards since early in 1966. At that time we counted 98,000 advertising devices and 508 junkyards. The estimated cost at that time to acquire all advertising devices along the primary road system was \$22.7 million. It was estimated that it would take \$7.7 million to screen or remove the 508 junkyards.

Since we do not know how many new signs have been erected and removed or how many junkyards have been established during the past six years, we can only make estimates. We estimate about a 25% increase in the number of new signs that have been erected, but about the same percentage of signs would be exempt from removal because of the grandfather clause in the bill which allows all signs in zoned and unzoned commercial and industrial areas to remain. We have added a 2.5% annual inflationary increase during the six year period plus an additive representing acquisition cost and contingencies. Total cost of acquiring all outdoor advertising devices is now estimated to be \$26,057,000. This figure does not include the cost of inventory and administration for removing the nonconforming signs. Based on our experience of removing signs along the interstate system, it will take approximately 75 positions and an estimated \$500,000 annually to do the necessary appraising, buying and day-to-day administration.

The estimated cost of junkyard screening and removal would increase to \$9 million when allowing an inflationary increase of 15 percent over the six year period. The total cost of both the junkyard and billboard programs would be \$35 million plus approximately \$500,000 annually for staffing and support.

These are the best estimates that we can give you at this time because there are so many unknowns. These unknowns include:

1. No up-to-date inventory on the number of signs and junkyards since 1966.
2. No up-to-date information on size, location and value of signs since 1966.
3. No accurate information on the number of signs that will be "grandfathered in" these zoned and unzoned commercial and industrial areas.

Senate 12
February 3, 1972

4. No accurate information on the number of signs that will be eligible for 75/25 funding and how many will be 100% state funding.
5. No accurate information on the increase in inflationary costs during this period of time.
6. No final guidelines have been received from the federal government on how to value the signs and junkyards.

This is the best information that we can provide you at this time.

SOURCE: Iowa State Highway Commission

Filed
February 2, 1972

By Gerry D. Rankin
Legislative Fiscal Director

CONFERENCE COMMITTEE REPORT ON
HOUSE FILE 734

1 To the President of the Senate and the Speaker of the
2 House of Representatives:
3 We, the undersigned members of the conference
4 committee appointed to consider the differences
5 between the Senate and the House of Representatives
6 on House File 734, a bill for an Act relating to the
7 state's compliance with the federal highway beauti-
8 fication act regarding junkyards and billboard
9 standards, and providing penalties, respectfully sub-
10 mit the following recommendations:
11 1. That the Senate amendment be amended by strik-
12 ing all of lines 252 through 263 of the printed amend-
13 ment and inserting in lieu thereof the following:
14 4. Official directional or other traffic control
15 devices or signs. Advertizing devices and notices
16 which shall include, but not be limited to, advertiz-
17 ing devices and notices pertaining to natural wonders,
18 scenic and historic attractions, recreational attrac-
19 tions and municipal recognition signs, which shall
20 conform with rules and regulations promulgated by the
21 commission, provided that such rules shall be consis-
22 tent with national standards promulgated from time
23 to time by the appropriate authority of the federal
24 government, pursuant to Title twenty-three (23),
25 section one hundred thirty-one (131), paragraph c of
26 the United States Code.
27 2. That the Senate amendment be amended by
28 striking from line 243 the following: ". Neither" and
29 inserting in lieu thereof the following: ", nor".
30 3. Amend page 4, line 13, of the House amendment
31 to the Senate amendment by inserting after the word
32 "and" the words "three dollars".
33 4. Amend page 2, line 25, of the House amend-
34 ment to the Senate amendment by inserting after the
35 word "Act" the following: "and municipal recognition
36 signs erected by any city or town."
37 5. That the Senate and House concur in the House and
38 Senate amendments as amended.

On the part of the Senate:

WALSH, Chairman
KEITH
MILLER

On the part of the House:

WELDEN, Chairman
SCHWIEGER
HOLDEN
EWELL

Filed
March 15, 1972

Senate adopted 3/23/72 (1135)
House " 3/24/72 (1416)